

11:53:05AM 1 IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA  
2 GARY GIBSON, JR. and SHAWNA )  
3 GIBSON, husband and wife, ) No. 8:16-cv-296  
4 Plaintiffs, )  
5 v. ) TAKEN IN BEHALF  
6 BRIESON JENSEN and FARMERS ) OF PLAINTIFFS  
7 CO-OPERATIVE, )  
8 Defendants. )

## 9 APPEARANCES:

10 MR. ALEXANDER D. BOYD For Plaintiffs  
11 Attorney at Law  
FRASER, STRYKER, MEUSEY,  
OLSON, BOYER & BLOCH  
12 500 Energy Plaza  
409 South 17th Street  
13 Omaha, Nebraska 68102

14 MR. RANDALL L. GOYETTE For Defendants  
15 Attorney at Law  
BAYLOR, EVNEN, CURTISS,  
GRIMIT & WITT  
16 1248 O Street  
Suite 600  
17 Lincoln, Nebraska 68508

18  
19  
20 DEPOSITION OF BRIESON JENSEN, taken  
21 at 12:23 p.m. on December 15, 2016, by Alvin J.  
22 Thibault, RPR, CSR and General Notary Public in  
23 and for the State of Nebraska, at Fraser Stryker,  
24 500 Energy Plaza, 409 South 17th Street, Omaha,  
25 Nebraska.

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## EXHIBIT INDEX

1	2	3	4	Ex. No.	Pg. Ref. No.	Description
5	6	7	8	9	10	17 Application for Employment
11	12	13	14	15	16	19 Ignition Interlock Permit and Social Security Card
17	18	19	20	21	22	30 Farmers Cooperative Company Policy dated June 14, 2013
23	24	25				53 Handwritten List
						54 Mix Sheets
						56 Four Pages of Google Aerial Maps
						86 Six Pages of Photographs of Accident Site
						87 Four Pages of Photographs of the Interior of RoGator
						91 Twitter Pages (Gibson 001798-1821)
						54 Statute 60-6,111



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## BRIESON - DIRECT (Boyd) 3

12:23:12PM 1 MR. GOYETTE: Reserve all  
12:23:13PM 2 objections except form and foundation until the  
12:23:15PM 3 time of trial?

12:23:16PM 4 MR. BOYD: Absolutely.

5 BRIESON JENSEN  
6 Of lawful age, being first  
duly cautioned and solemnly  
7 sworn as hereinafter certified,  
was examined and testified as  
8 follows:

DIRECT EXAMINATION

12:23:25PM 10 BY MR. BOYD:

11 Q. All right. Before we start, counsel  
12 and I have agreed that this deposition is taken  
13 pursuant to the Federal Rules of Civil Procedure,  
14 all objections will be reserved for trial except  
15 form and foundation.

16 Please state your name for the record.

17 A. **Brieson Jensen.**

18 Q. Please spell your name for the  
record.

19 A. **B R I E S O N , J E N S E N .**

20 Q. Mr. Jensen, my name is Alex Boyd, and  
21 we met just a little while ago. I'm the attorney  
22 representing Gary Gibson and Shawna Gibson. I'm  
23 here to ask you some questions about the lawsuit  
24 that they've filed against you and Farmers

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## BRIESON - DIRECT (Boyd) 4

12:24:05PM 1 Co-Operative. Do you understand that?

12:24:05PM 2 A. **Yes.**

12:24:06PM 3 Q. Okay. Have you had your deposition  
4 taken before?

12:24:07PM 5 A. **No, sir.**

12:24:08PM 6 Q. I know you went over some of the  
12:24:10PM 7 ground rules with your attorney. Basically we're  
12:24:12PM 8 all under the understanding that we need verbal  
12:24:15PM 9 responses, we wait to finish each other's  
12:24:18PM 10 questions and answers before we start talking,  
12:24:19PM 11 things of that nature, right?

12:24:20PM 12 A. **Yes, sir.**

12:24:21PM 13 Q. All right. If you have any  
12:24:22PM 14 questions, if you don't understand my question,  
12:24:24PM 15 let me know and I'll try to rephrase, otherwise  
12:24:27PM 16 I'll assume you understood the question. If you  
12:24:29PM 17 need a break, you can have one at any time. I'd  
12:24:32PM 18 just ask that you answer whatever the pending  
12:24:34PM 19 question is at that time. All right?

12:24:37PM 20 A. **Yes, sir.**

12:24:37PM 21 Q. Without telling me anything that you  
12:24:38PM 22 discussed with your attorney, how did you  
12:24:41PM 23 prepare, if at all, for today's deposition?

12:24:44PM 24 A. **My attorney just kind of gave me the  
12:24:47PM 25 ground rules and asked some questions about --**

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12:24:50PM 1 Q. And I -- I don't want -- that's all  
 12:24:53PM 2 privileged. I just -- you met with your attorney  
 12:24:57PM 3 and that's fine. Did you talk with anyone else  
 12:24:58PM 4 besides your attorney to prepare for today's  
 12:25:00PM 5 deposition?

12:25:01PM 6 A. No, sir.

12:25:01PM 7 Q. Did you review any documents of any  
 12:25:03PM 8 kind?

12:25:03PM 9 A. Yes, sir.

12:25:03PM 10 Q. Okay. What documents do you recall  
 12:25:05PM 11 looking at?

12:25:06PM 12 A. Pictures of the accident and the  
 12:25:08PM 13 claim, itself.

12:25:09PM 14 Q. The Complaint, like the pleading?

12:25:15PM 15 Got it.

12:25:16PM 16 A. Yes.

12:25:16PM 17 Q. So some of the legal filings?

12:25:20PM 18 A. Yes.

12:25:21PM 19 Q. No other legal documents that you  
 12:25:22PM 20 recall?

12:25:22PM 21 A. No, sir.

12:25:23PM 22 Q. Okay. What's your date of birth?

12:25:24PM 23 A. 12/1/93.

12:25:25PM 24 Q. Where were you born at?

12:25:26PM 25 A. West Point, Nebraska.

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12:26:23PM 1 A. Yes, sir.  
 12:26:23PM 2 Q. Where did you go to high school?  
 12:26:24PM 3 A. Wisner-Pilger.  
 12:26:26PM 4 Q. Did you graduate?  
 12:26:27PM 5 A. Yes, sir.  
 12:26:27PM 6 Q. What year?  
 12:26:28PM 7 A. 2012.  
 12:26:29PM 8 Q. Have you attended any formal  
 12:26:33PM 9 education after high school?  
 12:26:34PM 10 A. Yes, sir.  
 12:26:35PM 11 Q. Where at?  
 12:26:36PM 12 A. I did a semester at UNL for water law  
 12:26:40PM 13 and policy and then a semester at Northeast  
 12:26:44PM 14 Community College for agronomy.  
 12:26:47PM 15 Q. For what?  
 12:26:47PM 16 A. Agronomy.

12:26:50PM 17 Q. Okay. Did you receive any degrees?  
 12:26:52PM 18 A. No, sir.  
 12:26:53PM 19 Q. Any other formal education other than  
 12:26:58PM 20 those two classes?  
 12:27:00PM 21 A. No, sir.  
 12:27:03PM 22 Q. Okay. Ever been a member of the  
 12:27:04PM 23 armed forces?  
 12:27:05PM 24 A. Yes, sir.  
 12:27:05PM 25 Q. What branch?

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12:25:27PM 1 Q. What's your current address?  
 12:25:30PM 2 A. I believe it is 921 North Twelfth  
 12:25:36PM 3 Street. I don't write it down very often.  
 12:25:39PM 4 Q. Did you recently move?  
 12:25:40PM 5 A. I've lived there for about six  
 12:25:42PM 6 months.  
 12:25:42PM 7 Q. Okay. What was your address before  
 12:25:44PM 8 that?  
 12:25:44PM 9 A. 514 Avenue E, Wisner, Nebraska.  
 12:25:47PM 10 Q. What prompted the move?  
 12:25:51PM 11 A. I was living with my parents while  
 12:25:53PM 12 going to school and no longer went to school,  
 12:25:56PM 13 so --  
 12:25:57PM 14 Q. Got it. How long -- you lived at the  
 12:26:01PM 15 514 address for your whole life or when did you  
 12:26:05PM 16 move there?  
 12:26:05PM 17 A. That -- that has been my permanent  
 12:26:07PM 18 address my whole life. I lived in Lincoln in an  
 12:26:11PM 19 apartment for six months, maybe.  
 12:26:13PM 20 Q. Otherwise you've always lived at home  
 12:26:16PM 21 at that address?  
 12:26:17PM 22 A. Yes, sir.  
 12:26:17PM 23 Q. Are you married?  
 12:26:18PM 24 A. No, sir.  
 12:26:19PM 25 Q. Did you attend high school?

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12:27:07PM 1 A. Nebraska National Guard.  
 12:27:09PM 2 Q. When did you enlist there?  
 12:27:11PM 3 A. I enlisted in 2011, March 21st, I  
 12:27:14PM 4 believe.  
 12:27:14PM 5 Q. Are you still enlisted there?  
 12:27:16PM 6 A. Yes, sir.  
 12:27:16PM 7 Q. And your -- what duties do you have  
 12:27:19PM 8 as part of that?  
 12:27:20PM 9 A. I have been a -- an 88 Mike, which is  
 12:27:24PM 10 a motor transport operator, essentially a truck  
 12:27:27PM 11 driver, and I also assisted in parachute rigging  
 12:27:31PM 12 processes for heavy drops, and I'm currently -- I  
 12:27:35PM 13 just got promoted to sergeant for motor transport  
 12:27:38PM 14 operator.  
 12:27:39PM 15 Q. So what kind of time commitment is  
 12:27:47PM 16 the National Guard for you?  
 12:27:49PM 17 A. One weekend a month, two weeks a  
 12:27:51PM 18 year.  
 12:27:52PM 19 Q. When you first enlisted, did you have  
 12:27:55PM 20 to go through some kind of basic training?  
 12:27:57PM 21 A. Yes, sir. Ten weeks in Fort Jackson,  
 12:28:00PM 22 South Carolina and I believe eight weeks at Fort  
 12:28:06PM 23 Leonard Wood for job training.  
 12:28:08PM 24 Q. And so as part of your -- I'll call  
 12:28:09PM 25 it truck driving duties, whatever you want to

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12:28:11PM 1 call it, what kind of specific training, if any,  
 12:28:13PM 2 did you have for that?  
**A. Learn how to properly maintain them, then drive them, load and unload cargo and other assorted truck driving duties.**  
 12:28:26PM 6 Q. Okay. When you say learn how to properly drive them, I guess just kind of -- give  
 12:28:28PM 7 me an overview of what kind of training that was.  
**A. For the advanced individual training, I believe there are four different vehicle systems. You're given, like, two days of maintenance and preventative stuff and then another three days of -- or, no, it was probably longer than three days, it was probably a week of driving training and then test out. If you pass the test you move on; if you fail the test you get recycled.**  
 12:29:11PM 18 Q. So was that generally what you were doing those -- those weekends and two weeks was driving those vehicles?  
 12:29:16PM 21 **A. Yes, sir.**  
 12:29:17PM 22 Q. Whereabouts did you drive those? In the state or all over?  
 12:29:21PM 23 **A. I can tell you that was in the state.**  
 12:29:22PM 24 Q. Okay. Generally on just public  
 12:29:26PM 25 THIBAULT, SUHR & THIBAULT, INC.  
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12:29:31PM 1 roads?  
 12:29:31PM 2 **A. Yes, sir.**  
 12:29:31PM 3 Q. So do you still have those kinds of truck driving responsibilities?  
 12:29:42PM 4 **A. And more.**  
 12:29:44PM 6 Q. Just generally what did they add onto that?  
 12:29:49PM 8 **A. I -- I --**  
 12:29:50PM 9 Q. You said rig the parachutes?  
**A. Well, that unit no longer exists, but I am now in charge of other truck drivers, so I have to plan routes and other safety concerns.**  
 12:29:52PM 10 Q. Okay. What kind of safety concerns generally are you concerned with?  
**A. Mitigating accidents due to weather and inexperience and things like that. So, okay, you're inexperienced, we're going to put you with a more experienced driver.**  
 12:30:11PM 15 Q. Are these multi -- are these vehicles driven by more than one person at a time?  
**A. There is -- I believe according to Army policies for a military vehicle you have to have a driver and then a co-driver, and the co-driver's responsibility is to keep an eye on the driver and make sure they are applying what**  
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12:30:47PM 1 **they've learned.**  
 12:30:48PM 2 Q. Did you have to undergo any additional training to become kind of a supervisory role that you've got now?  
**A. I have to go to school at some point. I -- scheduling-wise it's been difficult to find the right time to do it.**  
 12:31:08PM 8 Q. Any other techniques or rules of thumb that you use to avoid accidents for  
 12:31:17PM 9 inexperienced drivers besides putting them with an experienced driver?  
**A. Just to make sure they know the braking power and to follow the speeds set by the convoy and eyes on the road, things like that.**  
 12:31:28PM 13 Q. Okay. So let's talk about, other than Army National Guard, any -- what was the other -- first employment after high school?  
**A. My first employment after high school, it would have been, like, two weeks helping out at a Pioneer Seed plant in York or Seward, and I got a job at the Farmers Co-Operative in Pilger.**  
 12:32:06PM 23 Q. At the seed plant what was your role there?  
**A. I was relabeling seed.**  
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12:32:13PM 1 Q. Okay. Any employment during high school?  
**A. I worked at a feedlot from the '84 season through graduation.**  
 12:32:24PM 5 Q. Kind of miscellaneous labor, whatever they needed?  
**A. Yeah. I started feeding when I was 16.**  
 12:32:31PM 8 Q. You were employed by Farmers Co-Op -- and I may refer to it as the Co-Op, you understand what we're talking about, the defendant in this case?  
**A. Yes.**  
 12:32:48PM 14 Q. You were employed for the Co-Op on June 26th, 2013; is that right?  
**A. Yes.**  
 12:32:50PM 15 Q. Are you still employed by the Co-Op?  
**A. No, sir.**  
 12:32:55PM 19 Q. When did you stop working for the Co-Op?  
**A. Sometime in November of 2013.**  
 12:32:57PM 20 Q. Okay. Was that the end of the season or what prompted the leave?  
**A. I believe so.**  
 12:33:06PM 24 Q. You voluntarily left?  
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12:33:11PM 1 **A. Well, as far as I understand I was**  
 2 **hired as a seasonal helper, and since the**  
 3 **spraying season was over, my job became**  
 4 **redundant, I guess, so I was asked.**

12:33:25PM 5 Q. They didn't need your help anymore?

12:33:26PM 6 A. Yeah.

12:33:27PM 7 Q. Did you reapply for the next year?

12:33:29PM 8 A. No.

12:33:38PM 9 Q. Let's talk about the time right

12:33:41PM 10 before when you joined the Co-Op. How did you

12:33:44PM 11 learn about the Co-Op and them having any

12:33:47PM 12 positions open? How did that come about?

12:33:49PM 13 **A. My father used to be employed by the**  
 14 **Co-Op before he moved on to a better position,**  
 15 **and he was close with the old general manager,**  
 16 **and my dad knew I was interested in agronomy and**  
 17 **said I'll talk to him, see if they have a job**  
 18 **open. And then like a week later I was**  
 19 **interviewing for the job.**

12:34:15PM 20 Q. Okay. Who was the old manager that

12:34:17PM 21 your dad was close to?

12:34:18PM 22 A. Jerry Wyatt.

12:34:20PM 23 Q. He's not there anymore?

12:34:23PM 24 A. He -- he was the interim general

12:34:26PM 25 manager at the time of my hiring.

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12:34:28PM 1 Q. And what was your dad's position with

12:34:32PM 2 the Co-Op?

12:34:33PM 3 **A. I believe he was the head of**  
 4 **agronomy.**

12:34:36PM 5 Q. When you say agronomy, I guess give

12:34:41PM 6 me a definition of what you're referring to.

12:34:43PM 7 **A. So that would essentially deal with**  
 8 **selling fertilizer, seed and pesticides and**  
 9 **sometimes going out to the field and making the**  
 10 **recommendations them self.**

12:34:56PM 11 Q. Okay. So your dad was head of

12:35:00PM 12 agronomy, he was close to Mr. Wyatt, and he knew

12:35:04PM 13 you were looking for work?

12:35:05PM 14 A. In about -- about, I believe,

12:35:10PM 15 March 1st I suffered a mental breakdown and

12:35:17PM 16 that's when I originally moved back with my

12:35:19PM 17 parents.

12:35:20PM 18 Q. And it was March 1st of 2013?

12:35:21PM 19 A. Yes.

12:35:22PM 20 Q. Okay. So you moved in with your

12:35:28PM 21 parents sometime around March 1st?

12:35:29PM 22 A. Yes.

12:35:32PM 23 Q. And as part of living at home, he

12:35:34PM 24 wanted you to get a job?

12:35:36PM 25 A. Well, it was just something

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12:35:38PM 1 **constructive and productive.**

12:35:46PM 2 Q. And this may be kind of a difficult

12:35:48PM 3 topic, but I guess, you know, can you give me a

12:35:51PM 4 little more information about what you mean by a

12:35:54PM 5 breakdown? What are you talking about?

12:35:56PM 6 **A. I was diagnosed with severe**  
 7 **depression.**

12:36:00PM 8 Q. When you were living in -- were you

12:36:02PM 9 going to school at that time?

12:36:03PM 10 A. Yes.

12:36:03PM 11 Q. That was down in Lincoln?

12:36:04PM 12 A. Yes.

12:36:05PM 13 Q. That diagnosis happened when you were

12:36:11PM 14 in Lincoln, and then after the diagnosis you

12:36:13PM 15 moved back home?

12:36:14PM 16 A. Yes.

12:36:16PM 17 Q. Okay. Did you work for anyone from

12:36:22PM 18 the time you moved back home in March of 2013

12:36:25PM 19 until you started with the Co-Op?

12:36:26PM 20 A. No. No, sir.

12:36:27PM 21 Q. So you talked to your dad about they

12:36:41PM 22 had a position open, looking for something

12:36:43PM 23 constructive, and then you said about a week

12:36:44PM 24 later you had an interview?

12:36:45PM 25 A. Yes, sir.

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12:36:46PM 1 Q. Did you -- I guess kind of describe

12:36:49PM 2 the process for me. What was the timeline for

12:36:52PM 3 the --

12:36:52PM 4 **A. I went in, I think, like eight in the**  
 5 **morning, talked to Jerry and then I talked to**  
 6 **Aaron.**

12:36:55PM 7 Q. Aaron?

12:37:00PM 8 A. Becker.

12:37:00PM 9 Q. Okay.

12:37:01PM 10 **A. And they kind of gave me a rundown of**  
 11 **what my responsibilities would be. I was**  
 12 **supposed to, like, mow the lawn, be the yard boy,**  
 13 **and somebody needs help here, someone needs help**  
 14 **here, that's where I was going to be. I agreed**  
 15 **to those terms, and then I believe I started**  
 16 **working, like, the following Monday.**

12:37:28PM 17 Q. Okay. Did you fill out -- do you

12:37:31PM 18 recall filling out any kind of application before

12:37:35PM 19 for the interview?

12:37:36PM 20 A. Yes.

12:37:36PM 21 Q. You filled out an application. Did

12:37:38PM 22 you give that to your dad or --

12:37:40PM 23 A. I gave that to Jerry.

12:37:42PM 24 Q. Okay. And then the same day of the

12:37:46PM 25 interview?

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12:37:46PM 1 **A. Yes.**  
 12:37:46PM 2 (Deposition Exhibit Number 1 was  
 12:38:17PM 3 marked for identification.)  
 12:38:17PM 4 **Q. All right. Handing you what's been**  
 12:38:19PM 5 **marked as Exhibit No. 1, do you recognize Exhibit**  
 12:38:22PM 6 **No. 1?**  
 12:38:22PM 7 **A. Yes.**  
 12:38:24PM 8 **Q. Is this the application that you**  
 12:38:25PM 9 **filed on the day of your interview with the**  
 12:38:27PM 10 **Farmers Co-Op?**  
 12:38:28PM 11 **A. Yes.**  
 12:38:28PM 12 **Q. So this is your handwriting?**  
 12:38:30PM 13 **A. Yes.**  
 12:38:36PM 14 **Q. You weren't currently employed at the**  
 12:38:38PM 15 **time, were you?**  
 12:38:38PM 16 **A. No, sir.**  
 12:38:39PM 17 **Q. Is there a reason you didn't mark**  
 12:38:41PM 18 **that on there where it's blank? That's why I**  
 12:38:47PM 19 **ask.**  
 12:38:48PM 20 **A. I was -- like, at the time I was**  
 12:38:51PM 21 **doing part-time stuff for the Guard, but it**  
 12:38:55PM 22 **wasn't -- like, I wasn't fully on orders, but if**  
 12:38:59PM 23 **I was able to come in, or if not.**  
 12:39:04PM 24 **Q. So you were working for the National**  
 12:39:06PM 25 **Guard at the time but not in a consistent**  
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12:39:08PM 1 **capacity?**  
 12:39:09PM 2 **A. Yes.**  
 12:39:09PM 3 **Q. So that's how you answered that**  
 12:39:11PM 4 **question?**  
 12:39:12PM 5 **A. Exactly, I guess.**  
 12:39:15PM 6 **Q. Okay. Understood. You said the date**  
 you could start was April 10, 2013. Do you  
 recall why that date was important to you?  
 12:39:20PM 7 **A. No, sir.**  
 12:39:21PM 8 **Q. Probably when you could get things in**  
 order and start up. Looks like on the last page  
 you put down some references; is that right?  
 12:39:23PM 9 **A. Yes, sir.**  
 12:39:34PM 10 **Q. I think it's one more page after**  
 that. Do you know if the Co-Op had contacted any  
 of your references?  
 12:39:36PM 11 **A. I have no idea.**  
 12:39:36PM 12 **Q. Other than Exhibit No. 1, do you**  
 recall filling out any other kind of paperwork as  
 a part of the interview or application process?  
 12:39:45PM 13 **A. I do not recall.**  
 12:39:52PM 14 (Deposition Exhibit Number 2 was  
 marked for identification.)  
 12:39:55PM 15 **Q. Showing you what's been marked as**  
 12:39:58PM 16 **Exhibit No. 2, do you recognize Exhibit No. 2?**  
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12:40:25PM 1 **A. Yes, sir.**  
 12:40:25PM 2 **Q. What is Exhibit No. 2?**  
 12:40:29PM 3 **A. Exhibit No. 2 is my ignition**  
**interlock permit and my Social Security card.**  
 12:40:37PM 4 **Q. So is it your understanding that you**  
 12:40:40PM 5 **provided these documents or these cards to the**  
 12:40:42PM 6 **Co-Op when you actually started working for the**  
 12:40:44PM 7 **Co-Op as part of the intake --**  
 12:40:44PM 8 **A. I believe.**  
 12:40:48PM 9 **Q. -- procedure. Just looking at the**  
 12:40:49PM 10 **date on the license, it says April 19th, 2013.**  
 12:40:53PM 11 **That leads me to believe that this was given to**  
 12:40:56PM 12 **the Co-Op sometime after you actually applied.**  
 12:40:58PM 13 **Does that sound right to you?**  
 12:40:59PM 14 **A. Yes, sir.**  
 12:41:00PM 15 **Q. Okay. So do you think you gave it to**  
 12:41:06PM 16 **someone your first day at the job for the Co-Op?**  
 12:41:10PM 17 **A. No, sir, because I do recall it was**  
 12:41:13PM 18 **about a week or so my father was dropping me off**  
 12:41:18PM 19 **because I was not legally able to drive.**  
 12:41:21PM 20 **Q. Okay. So -- so the first day,**  
 12:41:25PM 21 **whenever you started for the Co-Op -- and what**  
 12:41:27PM 22 **day do you recall actually starting for the**  
 12:41:30PM 23 **Co-Op?**  
 12:41:31PM 24 **A. I don't.**  
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12:41:31PM 1 **Q. Okay. But you started sometime in**  
 12:41:35PM 2 **April of 2013, does that sound right?**  
 12:41:37PM 3 **A. Yes, sir.**  
 12:41:37PM 4 **Q. So for the first week you were**  
 12:41:39PM 5 **working for the Co-Op but you weren't legally**  
 12:41:43PM 6 **allowed to drive and so your dad was dropping you**  
 12:41:45PM 7 **off?**  
 12:41:45PM 8 **A. Yes, sir.**  
 12:41:46PM 9 **Q. So at some time during that week or**  
 12:41:49PM 10 **after that week then you obtained the ignition**  
 12:41:52PM 11 **interlock permit?**  
 12:41:53PM 12 **A. Yes, sir.**  
 12:41:54PM 13 **Q. So once you got that permit, you were**  
 12:41:56PM 14 **able to drive yourself to work?**  
 12:41:58PM 15 **A. Yes, with an ignition interlock.**  
 12:42:00PM 16 **Q. In your personal vehicle?**  
 12:42:01PM 17 **A. Yes.**  
 12:42:02PM 18 **Q. So once you had that, then you must**  
 12:42:04PM 19 **have given that to Co-Op along with your Social**  
 12:42:06PM 20 **Security card?**  
 12:42:07PM 21 **A. Yes, sir.**  
 12:42:07PM 22 **Q. Did they ask for that or how did you**  
 12:42:09PM 23 **go about giving them a copy of that?**  
 12:42:10PM 24 **A. I believe they asked me about it, and**  
 12:42:13PM 25 **I believe every place I've ever been hired, they**  
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12:42:17PM 1 **automatically ask for a driver's license and**  
 12:42:20PM 2 **Social Security card.**  
 12:42:23PM 3 Q. So tell me what -- what led to the  
 12:42:30PM 4 ignition interlock aspect of your license?  
 12:42:33PM 5 A. **I received a DUI.**  
 12:42:35PM 6 Q. Do you recall when that -- when the  
 12:42:37PM 7 actual DUI was?  
 12:42:38PM 8 A. **November 11th, 2012.**  
 12:42:40PM 9 Q. Tell me, after -- what happened after  
 12:42:52PM 10 the -- after you were arrested for the DUI, what  
 12:42:56PM 11 was the timeline of events regarding that?  
 12:42:59PM 12 A. **I had a case -- or I had a trial,**  
 12:43:03PM 13 **like, December 20th or something along those**  
 12:43:07PM 14 **lines. I was late for the trial, so I was**  
 12:43:14PM 15 **remanded to -- or my bail was revoked. I had to**  
 12:43:19PM 16 **repay that and the trial was rescheduled. That**  
 12:43:25PM 17 **was at the time where I was battling depression,**  
 12:43:28PM 18 **so, like, just kind of failed to go the second**  
 12:43:34PM 19 **time. Got an attorney and kind of ironed things**  
 12:43:38PM 20 **out, and I think it was April 1st when things**  
 12:43:42PM 21 **were settled.**  
 12:43:45PM 22 Q. So you say "settled." Did you have a  
 12:43:47PM 23 trial or did you plead?  
 12:43:49PM 24 A. **I pled guilty.**  
 12:43:50PM 25 Q. Did you have to spend any time  
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12:43:54PM 1 incarcerated or in jail between the time of the  
 12:43:56PM 2 incident and April 1st?  
 12:43:57PM 3 A. **When my -- the night of the incident**  
 12:44:01PM 4 **and then when my bond was revoked.**  
 12:44:06PM 5 Q. How long did you have to spend  
 12:44:08PM 6 incarcerated after the bond was revoked?  
 12:44:11PM 7 A. **Eight hours, maybe.**  
 12:44:16PM 8 Q. Okay. So as part of your plea, did  
 12:44:19PM 9 you have to agree to get an ignition interlock  
 12:44:23PM 10 permit?  
 12:44:23PM 11 A. **Yes, I believe so. It was part of**  
 12:44:25PM 12 **the sentencing process.**  
 12:44:25PM 13 Q. Okay. At the end of it all, part of  
 12:44:29PM 14 the requirements was you had to get the ignition  
 12:44:31PM 15 interlock permit?  
 12:44:32PM 16 A. **Yes, sir.**  
 12:44:36PM 17 Q. And so between April 1st and -- was  
 12:44:38PM 18 your license ever --  
 12:44:39PM 19 A. **Yes, sir.**  
 12:44:41PM 20 Q. -- suspended? And when was it  
 12:44:41PM 21 suspended?  
 12:44:41PM 22 A. **It was -- it was suspended almost**  
 12:44:43PM 23 **immediately after. Actually, I think it was --**  
 12:44:47PM 24 **it was on the administration suspension or**  
 12:44:50PM 25 **whatever it's called for the 15 days, and then it**  
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12:44:55PM 1 **was suspended from that point until the time of**  
 12:44:59PM 2 **the accident -- or the time of the --**  
 12:45:00PM 3 Q. Okay. So from the date of the DUI  
 12:45:03PM 4 until April 1st, you had your license during that  
 12:45:06PM 5 period of time?  
 12:45:07PM 6 A. **No, sir.**  
 12:45:07PM 7 Q. So it was suspended as soon as -- it  
 12:45:11PM 8 was after the arrest?  
 12:45:11PM 9 A. **Yes.**  
 12:45:13PM 10 Q. Okay. And then you didn't have any  
 12:45:15PM 11 kind of driving permission until April 19th?  
 12:45:19PM 12 A. **Yes, sir.**  
 12:45:20PM 13 Q. I've got to make sure I kind of  
 12:45:24PM 14 understand the timeline. Did anyone at -- did  
 12:45:30PM 15 you talk to anyone at the Co-Op about the fact  
 12:45:33PM 16 that you had an ignition interlock permit?  
 12:45:35PM 17 A. **Yes, sir.**  
 12:45:37PM 18 Q. Who did you talk to?  
 12:45:37PM 19 A. **I believe everyone at the Co-Op knew**  
 12:45:39PM 20 **that I had an ignition interlock permit.**  
 12:45:42PM 21 Q. And what -- describe to us  
 12:45:46PM 22 communications or what -- I mean, how do you know  
 12:45:49PM 23 that everyone knew?  
 12:45:50PM 24 A. **Well, there were times when they**  
 12:45:53PM 25 **needed someone to run out to the field or**  
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12:45:55PM 1 **something and I had to take my personal vehicle**  
 12:46:01PM 2 **because that was the only vehicle I was legally**  
 12:46:04PM 3 **allowed to drive.**  
 12:46:05PM 4 Q. So they knew, since you had to take  
 12:46:07PM 5 your personal vehicle was because of that  
 12:46:10PM 6 ignition interlock requirement?  
 12:46:12PM 7 A. **Yes.**  
 12:46:12PM 8 Q. Okay. Did you talk to Mr. Wyatt  
 12:46:16PM 9 about the ignition interlock requirement?  
 12:46:19PM 10 A. **Yes.**  
 12:46:20PM 11 Q. Did he have any concerns about that  
 12:46:22PM 12 at all?  
 12:46:22PM 13 A. **No, sir.**  
 12:46:22PM 14 Q. Any other management that you recall  
 12:46:25PM 15 talking to them about the ignition interlock  
 12:46:28PM 16 requirement?  
 12:46:28PM 17 A. **Aaron.**  
 12:46:29PM 18 Q. And what do you recall about that  
 12:46:30PM 19 conversation?  
 12:46:30PM 20 A. **I told him I had one, and then when I**  
 12:46:35PM 21 **got my actual licence back, I let him know that**  
 12:46:39PM 22 **also.**  
 12:46:50PM 23 Q. Other than your personal vehicle, did  
 12:46:52PM 24 you drive any other vehicles during the time the  
 12:46:57PM 25 ignition interlock permit was active?  
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12:46:59PM 1 **A. An ATV or a golf cart.**  
 12:47:02PM 2 Q. Those kind of vehicles didn't have to  
 12:47:06PM 3 have ignition interlocks?  
 12:47:07PM 4 **A. No, sir.**  
 12:47:09PM 5 Q. Did you drive any of the Co-Op's  
 12:47:12PM 6 agricultural equipment during the time this  
 12:47:15PM 7 ignition interlock permit was active?  
 12:47:18PM 8 **A. Not on the road.**  
 12:47:19PM 9 Q. Just in the field?  
 12:47:20PM 10 **A. Or around the Co-Op's property.**  
 12:47:24PM 11 Q. But not on a public road?  
 12:47:26PM 12 **A. No, sir.**  
 12:47:33PM 13 Q. Okay. So is it -- was it purposeful  
 12:47:35PM 14 not to drive it on the road because of their  
 12:47:38PM 15 requirements?  
 12:47:38PM 16 **A. Yes, sir.**  
 12:47:39PM 17 Q. Is it your understanding that you  
 12:47:42PM 18 could drive any vehicles as long as it wasn't on  
 12:47:47PM 19 the road, or what was your understanding of what  
 12:47:48PM 20 the specific requirement was?  
 12:47:49PM 21 **A. It was my understanding that the  
 12:47:53PM 22 vehicles that I was operating did not require a  
 12:47:56PM 23 driver's license on private property.**  
 12:48:04PM 24 Q. Did you have to take any kind of a  
 12:48:16PM 25 medical exam as part of your hiring process with

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12:49:09PM 1 **commercially. It allows them to spray pesticides  
 12:49:13PM 2 that may be hazardous. Like you have to take, I  
 12:49:18PM 3 think, like, a 200-question test which is very  
 12:49:23PM 4 difficult and after that you are certified for, I  
 12:49:27PM 5 believe, three years, starting April 15th until  
 12:49:30PM 6 three years from that date.**  
 12:49:33PM 7 Q. So it was something that the Co-Op  
 12:49:37PM 8 requested that you do?  
 12:49:37PM 9 **A. No. I volunteered personally to do  
 12:49:37PM 10 that.**  
 12:49:41PM 11 Q. Why is that?  
 12:49:42PM 12 **A. I -- there was talk about after I got  
 12:49:46PM 13 my license back for I guess giving me more  
 12:49:54PM 14 responsibility as an applicator versus just a  
 12:49:57PM 15 yard person.**  
 12:49:58PM 16 Q. Did you have to have any kind of a  
 12:50:01PM 17 training course in order to prepare you to take  
 12:50:03PM 18 that test?  
 12:50:05PM 19 **A. I was given a book about two, three  
 12:50:08PM 20 inches thick and told to study.**  
 12:50:11PM 21 Q. Was that book -- do you know, was  
 12:50:14PM 22 that a state issued book?  
 12:50:16PM 23 **A. I believe so.**  
 12:50:19PM 24 Q. Something the State of Nebraska put  
 12:50:19PM 25 together as sort of a training guide?

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12:48:19PM 1 the Co-Op?  
 12:48:20PM 2 **A. I don't remember.**  
 12:48:21PM 3 Q. You don't recall having a medical  
 12:48:24PM 4 exam?  
 12:48:24PM 5 **A. No.**  
 12:48:28PM 6 Q. Did you need any kind of a special  
 12:48:32PM 7 license to do any of your duties at the Co-Op?  
 12:48:36PM 8 **A. No, but I did achieve an applicator  
 12:48:36PM 9 permit.**  
 12:48:40PM 10 Q. Allowing you to commercially apply  
 12:48:40PM 11 chemicals?  
 12:48:40PM 12 **A. To -- to commercially apply  
 12:48:43PM 13 restricted use product.**  
 12:48:45PM 14 Q. Okay. So you didn't need any kind of  
 12:48:47PM 15 special driver's license -- you didn't need a  
 12:48:50PM 16 CDL, for example?  
 12:48:51PM 17 **A. I was never driving a semi.**  
 12:48:53PM 18 Q. And there was no other special  
 12:48:55PM 19 driver's licenses you were aware that you would  
 12:48:56PM 20 have needed?  
 12:48:57PM 21 **A. No.**  
 12:48:57PM 22 Q. Tell me about that certification that  
 12:49:03PM 23 you referenced.  
 12:49:04PM 24 **A. The applicator's permit is  
 12:49:06PM 25 essentially for people that wish to spray**

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12:50:21PM 1 **A. Yes.**  
 12:50:23PM 2 Q. Do you recall when you got that  
 12:50:25PM 3 certification?  
 12:50:27PM 4 **A. Early June -- or mid May to early  
 12:50:33PM 5 June.**  
 12:50:34PM 6 Q. 2013?  
 12:50:39PM 7 **A. Yes, sir.**  
 12:50:40PM 8 Q. Did you -- did Co-Op administer any  
 12:50:49PM 9 tests to you as part of your interview or  
 12:50:52PM 10 application process? Any driving tests or road  
 12:50:55PM 11 tests at all?  
 12:50:56PM 12 **A. Not during the application process.**  
 12:51:00PM 13 Q. So for the first month or so describe  
 12:51:08PM 14 your duties at the Co-Op.  
 12:51:09PM 15 **A. I spent a lot of time in the shop and  
 12:51:13PM 16 picking chemicals for the applicators. I believe  
 12:51:18PM 17 I spent some time at the 57 spur at their liquid  
 12:51:24PM 18 plant getting that up and running for the season.**  
 12:51:29PM 19 Q. Those were duties that were sort of  
 12:51:32PM 20 anticipated when you first applied?  
 12:51:33PM 21 **A. And went along, yes.**  
 12:51:37PM 22 Q. Okay. Do you know if the Co-Op  
 12:51:39PM 23 performed any kind of background check as part of  
 12:51:42PM 24 the application process?  
 12:51:42PM 25 **A. I do not.**

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12:51:43PM 1 Q. Do you recall giving them a consent  
12:51:46PM 2 to do a background check at all?  
12:51:47PM 3 A. **I do not.**  
12:51:49PM 4 Q. You just don't recall?  
12:51:51PM 5 A. **I --**  
12:51:53PM 6 Q. Correct?  
12:51:54PM 7 A. **Yes.**  
12:51:54PM 8 Q. Okay. Do you recall receiving any  
12:52:01PM 9 written materials from the Co-Op at any time  
12:52:05PM 10 after you were hired regarding company policies,  
12:52:08PM 11 handbooks, anything like that?  
12:52:09PM 12 A. **I do not.**  
12:52:22PM 13 (Deposition Exhibit Number 3 was  
12:52:22PM 14 marked for identification.)  
12:52:22PM 15 Q. I'm handing you what's been marked as  
12:52:25PM 16 Exhibit No. 3. Do you recognize this document at  
12:52:27PM 17 all?  
12:52:27PM 18 A. **I do.**  
12:52:29PM 19 Q. Do you recall receiving a copy of  
12:52:31PM 20 this at any point?  
12:52:32PM 21 A. **I may have. I just don't -- it's  
12:52:39PM 22 been awhile.**  
12:52:39PM 23 Q. Sure. But looking at it now, you  
12:52:42PM 24 think that you -- you did probably receive a copy  
12:52:44PM 25 of it at some point?

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12:53:43PM 1 A. **That would have been Aaron Becker.**  
12:53:45PM 2 Q. And what are his duties, your  
12:53:50PM 3 understanding, as the manager?  
12:53:51PM 4 A. **He is the general manager of the  
12:53:53PM 5 Co-Op, so he is in charge of the whole picture.**  
12:53:59PM 6 Q. Is there anyone above him?  
12:54:01PM 7 A. **The Co-Op board.**  
12:54:10PM 8 Q. Okay. This policy also talks about  
12:54:12PM 9 department managers. Do you know who your  
12:54:18PM 10 department managers were at the time you were  
12:54:20PM 11 first hired?  
12:54:20PM 12 A. **Not for the yard duties, but for the  
12:54:26PM 13 applying duties it would have been Rich  
12:54:30PM 14 Brahmer, and I feel really bad about saying this,  
12:54:35PM 15 but I didn't get to meet the guy very often, so I  
12:54:37PM 16 don't recall his name, and he passed away  
12:54:38PM 17 probably about October of 2013.**  
12:54:43PM 18 Q. Another -- someone besides Rich  
12:54:45PM 19 Brahmer?  
12:54:46PM 20 A. **Rich Brahmer came in as the interim.**  
12:54:48PM 21 Q. After the other person passed away?  
12:54:50PM 22 A. **He was diagnosed, I believe, with  
12:54:52PM 23 pancreas cancer and --**  
12:54:55PM 24 Q. So -- so when you -- when you first  
12:54:57PM 25 started the actual application, who was the

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12:52:45PM 1 A. **Yes.**  
12:52:47PM 2 Q. Do you have any recollection as to  
12:52:48PM 3 when you would have received that?  
12:52:49PM 4 A. **Yes, within my first two weeks of  
12:52:51PM 5 hire.**  
12:52:54PM 6 Q. And looks like -- to me it looks like  
12:52:57PM 7 it's dated June 14th, 2013, so you were -- you  
12:53:02PM 8 were actually working with them during that time,  
12:53:04PM 9 right?  
12:53:04PM 10 A. **Yes.**  
12:53:05PM 11 Q. So at some point after that you  
12:53:07PM 12 believe you received a copy of it?  
12:53:08PM 13 A. **Yes.**  
12:53:09PM 14 Q. Do you recall if you read through the  
12:53:10PM 15 policy at the time?  
12:53:12PM 16 A. **I scanned it.**  
12:53:14PM 17 Q. Did they make you, like, sign a form  
12:53:17PM 18 or anything saying you received this, do you  
12:53:19PM 19 recall?  
12:53:19PM 20 A. **I do not recall.**  
12:53:21PM 21 Q. This policy talks about a manager --  
12:53:32PM 22 for example, number 3 says a manager shall at all  
12:53:34PM 23 times hire employees. Do you know who the,  
12:53:38PM 24 quote, manager is of the Co-Op as of June 14th,  
12:53:43PM 25 2013?

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12:53:43PM 1 A. **That would have been Aaron Becker.**  
12:53:45PM 2 Q. And what are his duties, your  
12:53:50PM 3 understanding, as the manager?  
12:53:51PM 4 A. **He is the general manager of the  
12:53:53PM 5 Co-Op, so he is in charge of the whole picture.**  
12:53:59PM 6 Q. Is there anyone above him?  
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12:54:10PM 8 Q. Okay. This policy also talks about  
12:54:12PM 9 department managers. Do you know who your  
12:54:18PM 10 department managers were at the time you were  
12:54:20PM 11 first hired?  
12:54:20PM 12 A. **Not for the yard duties, but for the  
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12:54:30PM 14 Brahmer, and I feel really bad about saying this,  
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12:54:48PM 21 Q. After the other person passed away?  
12:54:50PM 22 A. **He was diagnosed, I believe, with  
12:54:52PM 23 pancreas cancer and --**  
12:54:55PM 24 Q. So -- so when you -- when you first  
12:54:57PM 25 started the actual application, who was the

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12:55:00PM 1 department manager at the time you started the  
12:55:02PM 2 application? Whoever the other guy is?  
12:55:04PM 3 A. **Yes.**  
12:55:04PM 4 Q. Okay. And then at some point he fell  
12:55:07PM 5 ill and Mr. Brahmer replaced him?  
12:55:11PM 6 A. **Yes, sir.**  
12:55:13PM 7 Q. Okay. Do you recall when Mr. Brahmer  
12:55:16PM 8 replaced him? Was it before or after the  
12:55:17PM 9 accident?  
12:55:17PM 10 A. **It was before.**  
12:55:26PM 11 Q. Okay. This policy talks about random  
12:55:28PM 12 drug testing. Do you recall ever being drug  
12:55:31PM 13 tested during your time with the Co-Op?  
12:55:33PM 14 A. **No, sir. After the accident, I was  
12:55:36PM 15 drug tested at the hospital.**  
12:55:37PM 16 Q. Okay. Other than after the accident?  
12:55:40PM 17 A. **No.**  
12:55:41PM 18 Q. Had you -- other than Exhibit No. 3,  
12:55:53PM 19 any other written policies, handbooks, manuals  
12:55:57PM 20 that you recall receiving from the Co-Op during  
12:56:00PM 21 your time there?  
12:56:02PM 22 A. **No, I do not remember.**  
12:56:02PM 23 Q. Number 13 in the policy talks  
12:56:14PM 24 about -- well, it says: It shall be the policy  
12:56:15PM 25 of the Co-Op to take part in any employee

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12:56:19PM 1 training programs deemed necessary by the  
 12:56:23PM 2 manager.  
 12:56:23PM 3 Did you receive any employee training during  
 12:56:27PM 4 your time at the Co-Op?  
 12:56:29PM 5 **A. Yes, sir.**  
 12:56:29PM 6 Q. What was the earliest employee  
 12:56:33PM 7 training that you can remember ever receiving?  
 12:56:35PM 8 **A. Learning how to operate the lawn**  
 12:56:37PM 9 **mower.**  
 12:56:37PM 10 Q. Lawn mower?  
 12:56:38PM 11 A. Yes.  
 12:56:44PM 12 Q. Just generally describe what that --  
 12:56:46PM 13 what that training process was.  
 12:56:47PM 14 **A. Learning how to start it and then**  
 12:56:51PM 15 **lower the blade, and the ditch on the south side**  
 12:56:56PM 16 **of the Co-Op property is pretty steep and how to**  
 12:56:59PM 17 **navigate the ditch.**  
 12:57:01PM 18 Q. You weren't ever driving the tractor  
 12:57:04PM 19 or the lawn mower on the roads?  
 12:57:06PM 20 A. No, sir.  
 12:57:07PM 21 Q. Okay. After learning how to operate  
 12:57:09PM 22 the lawn mower, what was the next piece of  
 12:57:11PM 23 training you recall receiving from the Co-Op?  
 12:57:14PM 24 **A. How to change oil.**  
 12:57:15PM 25 Q. And what type of vehicle? All of  
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12:58:39PM 1 recall after that?  
 12:58:39PM 2 **A. I was trained on how to operate the**  
 12:58:42PM 3 **dry spreader.**  
 12:58:48PM 4 Q. The vehicle involved in the accident,  
 12:58:52PM 5 was that a dry spreader?  
 12:58:54PM 6 A. Yes, sir.  
 12:58:55PM 7 Q. Okay. Tell me about what type of  
 12:58:58PM 8 training -- how to operate a dry spreader was?  
 12:59:02PM 9 **A. I spent about a week riding along in**  
 12:59:05PM 10 **the field and to and from the fields, how to get**  
 12:59:08PM 11 **in position for loading out, things like that,**  
 12:59:14PM 12 **like an understudy, and then spend about a week**  
 12:59:19PM 13 **learning how to drive in the -- in the field,**  
 12:59:23PM 14 **like actually driving. And then when my license**  
 12:59:28PM 15 **was full and eligible, someone rode with me for,**  
 12:59:32PM 16 **I think, the first two days and then cut me**  
 12:59:39PM 17 **loose.**  
 12:59:39PM 18 Q. Okay. So the first week you were a  
 12:59:47PM 19 passenger and kind of observed everything?  
 12:59:50PM 20 A. Yes, sir.  
 12:59:51PM 21 Q. That included operation in the field  
 12:59:53PM 22 and getting to and from the field?  
 12:59:54PM 23 A. Yes.  
 12:59:55PM 24 Q. Does that -- did that also include  
 12:59:57PM 25 that driver operating it on public roads?  
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12:57:18PM 1 them?  
 12:57:18PM 2 **A. Everything from a motorcycle all the**  
 12:57:21PM 3 **way up to a sprayer.**  
 12:57:22PM 4 Q. Okay. Okay. After learning about  
 12:57:31PM 5 oil changes, what was the bit of employee  
 12:57:34PM 6 training that you recall?  
 12:57:35PM 7 **A. How to fix tires.**  
 12:57:37PM 8 Q. Okay. What about after that?  
 12:57:39PM 9 **A. How to operate the liquid plant.**  
 12:57:44PM 10 Q. Describe to me what the liquid plant  
 12:57:47PM 11 is.  
 12:57:47PM 12 **A. The liquid plant would be bulk**  
 12:57:51PM 13 **product for, like, liquid applications. So water**  
 12:58:01PM 14 **emulsifier, 32 nitrogen -- 32 percent nitrogen**  
 12:58:10PM 15 **mix, other assorted fertilizer liquids and your**  
 12:58:14PM 16 **pesticides that came in bulk.**  
 12:58:18PM 17 Q. So what was your role with regard to  
 12:58:21PM 18 the liquid plant?  
 12:58:23PM 19 **A. My task was to hook and unhook hoses.**  
 12:58:29PM 20 Q. So that was part of the training was  
 12:58:31PM 21 kind of how to -- what it all meant and how to  
 12:58:34PM 22 hook up the hoses and those types of things?  
 12:58:36PM 23 A. Yes, sir.  
 12:58:36PM 24 Q. Okay. After liquid plant training,  
 12:58:38PM 25 what was the next sort of training that you  
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12:59:59PM 1 **A. Yes, sir.**  
 12:59:59PM 2 Q. The next -- you spent one week actual  
 01:00:06PM 3 driving the machinery with kind of your --  
 01:00:10PM 4 **A. Now an observer.**  
 01:00:13PM 5 Q. Okay. So this was the same -- same  
 01:00:14PM 6 person from the first week?  
 01:00:15PM 7 A. Yes, sir.  
 01:00:16PM 8 Q. So then the second week you were  
 01:00:17PM 9 actually operating and they were observing you  
 01:00:19PM 10 and teaching you?  
 01:00:20PM 11 A. Yes.  
 01:00:21PM 12 Q. Did that involve operating on public  
 01:00:23PM 13 roads?  
 01:00:23PM 14 **A. Not in the second week.**  
 01:00:24PM 15 Q. Was that due to license restrictions?  
 01:00:27PM 16 A. Yes.  
 01:00:34PM 17 Q. After that second week, then you said  
 01:00:37PM 18 you spent two days where you were still driving,  
 01:00:40PM 19 but since you had your license, I assume you  
 01:00:45PM 20 could drive on public roads?  
 01:00:46PM 21 A. Yes, sir.  
 01:00:47PM 22 Q. And you had the same passenger  
 01:00:49PM 23 observing you?  
 01:00:50PM 24 A. Yes, sir.  
 01:00:51PM 25 Q. What percent -- what percentage of  
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01:00:54PM 1 your time during that two days was spent on  
01:00:57PM 2 public roads versus in the field?  
01:00:58PM 3  
01:01:10PM 4 **A. Kind of -- I believe maybe  
20 percent.**  
01:01:10PM 5 Q. Describe for me -- I mean, describe  
01:01:14PM 6 to me kind of the time in the field versus on the  
01:01:17PM 7 road.  
01:01:17PM 8 **A. It all depends on how -- like what  
fields you're supposed to be in that day. You  
could be, I guess, in Wisner in the morning and  
then in Stanton in the afternoon, and that's  
25 miles difference. So it just all depends on  
location of the fields.**  
01:01:41PM 14 Q. So some days you spent more time on  
01:01:44PM 15 the road than others?  
01:01:45PM 16 **A. Yes.**  
01:01:45PM 17 Q. During that two-day period, how much  
01:01:48PM 18 time, you know, minutes or hours, do you think  
01:01:49PM 19 you actually spent on the road during that  
01:01:52PM 20 two-day period?  
01:01:54PM 21 **A. Two or three hours.**  
01:02:00PM 22 Q. Do you recall physically where you  
01:02:03PM 23 were going? Was it that 25-mile stretch?  
01:02:06PM 24 **A. No.**  
01:02:06PM 25 Q. Do you recall where you were going?

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01:02:07PM 1 **A. No.**  
01:02:09PM 2 Q. So your best guess is two or three  
01:02:12PM 3 hours --  
01:02:12PM 4 **A. Yes.**  
01:02:13PM 5 Q. -- road time. Did you receive any  
01:02:22PM 6 written materials from your -- from your kind of  
01:02:26PM 7 trainer or the Co-Op regarding your training for  
01:02:27PM 8 the dry spreader?  
01:02:29PM 9 **A. I do not believe so.**  
01:02:30PM 10 Q. Who was the person that kind of  
01:02:32PM 11 trained you?  
01:02:33PM 12 **A. Ryan Krug, I believe.**  
01:02:36PM 13 Q. Do you know how to spell that last  
01:02:37PM 14 name?  
01:02:38PM 15 **A. I don't even know if that's his last  
name. Like, I know it starts K R U G and it  
might be Krugman, it might be -- I don't know.**  
01:02:39PM 16 Q. Ryan Krug something. Okay. Do you  
01:02:43PM 17 know how long he'd been with the Co-Op at that  
01:02:45PM 18 time?  
01:02:54PM 19 **A. I think a year.**  
01:02:56PM 20 Q. What do you -- I'll call him  
01:02:57PM 21 Mr. Krug, your trainer -- what do you recall him  
01:03:14PM 22 telling you about how to operate the dry spreader  
01:03:18PM 23 on the road? Did he give you any rules or  
01:03:22PM 24  
01:03:22PM 25  
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01:03:27PM 1 anything that you recall specifically?  
01:03:29PM 2 **A. No, I do not recall that  
specifically.**  
01:03:31PM 3 Q. So you don't recall any specific  
01:03:37PM 4 rules or guidelines that your trainer would have  
01:03:39PM 5 given you how to properly operate the dry  
01:03:42PM 6 spreader like the one involved in the accident on  
01:03:45PM 7 a public road?  
01:03:46PM 8 **A. Follow the traffic laws.**  
01:03:50PM 9 Q. Okay. I understand a lot of this  
01:03:53PM 10 kind of is just on the job as things come up, but  
01:03:56PM 11 to the extent you remember, anything specific he  
01:03:59PM 12 told you?  
01:03:59PM 13 **A. Not that I recall.**  
01:04:00PM 14 Q. Okay. Other than generally follow  
01:04:03PM 15 the traffic laws? Yes?  
01:04:06PM 16 **A. Oh, yes. My bad.**  
01:04:07PM 17 Q. No problem. After those two days of  
01:04:17PM 18 you being able to drive on the public roads with  
01:04:20PM 19 your trainer, you said they kind of cut you  
01:04:22PM 20 loose?  
01:04:22PM 21 **A. Yes.**  
01:04:23PM 22 Q. Meaning you were able to drive the  
01:04:27PM 23 dry spreader wherever you needed to go without  
01:04:31PM 24 someone supervising you in the cab?  
01:04:31PM 25  
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01:04:34PM 1 **A. Yes, sir.**  
01:04:37PM 2 Q. What time frame -- when do you think  
01:04:41PM 3 you started this training?  
01:04:42PM 4 **A. End of May.**  
01:04:46PM 5 Q. Is when you started the training?  
01:04:50PM 6 **A. I believe so.**  
01:04:50PM 7 Q. Okay. So when -- do you recall when  
01:04:55PM 8 you finally got cut loose and you were able to  
01:04:58PM 9 drive on your own full time?  
01:04:59PM 10 **A. Early to mid June.**  
01:05:01PM 11 Q. Did you ever receive any follow-up  
01:05:12PM 12 training at all after you started driving on your  
01:05:15PM 13 own?  
01:05:15PM 14 **A. No, sir. Wait. Wait. Wait. I did  
receive some -- that was for, like, the liquid  
application process. That's slightly different.**  
01:05:20PM 15 Q. Was that sometime after the accident?  
01:05:25PM 16 **A. Yes.**  
01:05:29PM 17 Q. And not related to the vehicle in the  
01:05:30PM 18 accident?  
01:05:31PM 19 **A. No.**  
01:05:34PM 20 Q. Okay. You know more about that  
01:05:36PM 21 machinery than I do, so I want to make sure I  
01:05:37PM 22 understand what we're talking about.  
01:05:41PM 23 There wasn't any kind of a written exam --  
01:05:48PM 24  
01:05:48PM 25  
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01:05:50PM 1 **A. No.**  
 01:05:50PM 2 **Q. -- administered by anyone?**  
 01:05:51PM 3 **A. No, sir.**  
 01:05:52PM 4 **Q. If you had questions about operating**  
 01:06:05PM 5 **the machinery, did you have someone you could**  
 01:06:07PM 6 **talk to about them?**  
 01:06:08PM 7 **A. Yes.**  
 01:06:09PM 8 **Q. Who would that have been?**  
 01:06:10PM 9 **A. Dan Bruns.**  
 01:06:11PM 10 **Q. Who was Dan Bruns?**  
 01:06:12PM 11 **A. Dan Bruns is the most experienced**  
 01:06:15PM 12 **applicator at the Pilger location.**  
 01:06:18PM 13 **Q. Do you recall ever talking to him**  
 01:06:20PM 14 **about any questions you had?**  
 01:06:21PM 15 **A. No.**  
 01:06:23PM 16 **Q. But if you did have questions, he**  
 01:06:26PM 17 **would have been the guy you would have asked?**  
 01:06:27PM 18 **A. Yes. And also Bryce Pick, who was**  
 01:06:30PM 19 **the most experienced applicator in the Co-Op.**  
 01:06:44PM 20 **Q. So before you started this training**  
 01:06:46PM 21 **in the end of May, you were working on**  
 01:06:50PM 22 **maintenance and mowing lawns and other types of**  
 01:06:53PM 23 **activities?**  
 01:06:53PM 24 **A. Yes.**  
 01:06:58PM 25 **Q. Once you started spraying in May and**  
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01:07:03PM 1 June, what was your typical work schedule like  
 01:07:07PM 2 hours wise?  
 01:07:08PM 3 **A. Can I correct you?**  
 01:07:13PM 4 **Q. Yes. Absolutely.**  
 01:07:15PM 5 **A. It wasn't spraying. It was -- the**  
 01:07:19PM 6 **proper term in this would be applicating, because**  
**I'm not spraying. Like, spraying implies liquid.**  
 01:07:22PM 7 **Q. Okay.**  
 01:07:25PM 8 **A. Applicating implies either.**  
 01:07:27PM 9 **Q. Okay.**  
 01:07:30PM 10 **A. I was -- it was probably 40 to**  
**45 hours a week.**  
 01:07:36PM 13 **Q. Actually applicating or operating the**  
 01:07:39PM 14 **equipment, or would you consider that start of**  
**the day to the end of the day?**  
 01:07:43PM 15 **A. Start of the day to the end of the**  
**day.**  
 01:07:44PM 16 **Q. Five days a week? Seven days a week?**  
 01:07:47PM 18 **A. Depended on weather.**  
 01:07:49PM 19 **Q. Okay. So when the weather was good,**  
 01:07:52PM 20 **you got in as much work as you could?**  
 01:07:56PM 21 **A. Yes, sir.**  
 01:07:58PM 22 **Q. What's the application season?**  
 01:08:01PM 24 **A. About a month before the crops come**  
 01:08:04PM 25 **up to mid July for the most part.**

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01:08:19PM 1 **Q. So once you were actually**  
 01:08:22PM 2 **applicating, how would you describe what your**  
 01:08:24PM 3 **actual job duties were?**  
 01:08:25PM 4 **A. Applicating.**  
 01:08:27PM 5 **Q. Yes.**  
 01:08:28PM 6 **A. That would be --**  
 01:08:29PM 7 **Q. That would be the job duty.**  
 01:08:32PM 8 **A. Operating and maintaining the**  
 01:08:34PM 9 **applicator.**  
 01:08:38PM 10 **Q. Did you have any performance reviews**  
 01:08:41PM 11 **working for the Co-Op?**  
 01:08:42PM 12 **A. I don't believe so.**  
 01:08:43PM 13 **Q. Were you ever disciplined during your**  
 01:08:47PM 14 **time with the Co-Op --**  
 01:08:48PM 15 **A. No.**  
 01:08:48PM 16 **Q. -- for anything? So describe**  
 01:08:54PM 17 **generally what a normal working day would be for**  
 01:08:57PM 18 **you once you were cut loose and you were**  
 01:09:00PM 19 **operating the applicator.**  
 01:09:01PM 20 **A. I would show up at 7 or 7:30, walk**  
 01:09:04PM 21 **into the main office, figure out the fields I**  
 01:09:09PM 22 **needed to go to that day, go start my machine,**  
 01:09:15PM 23 **grease it up, load it up for the first load,**  
 01:09:19PM 24 **drive to the field, apply it, wait for a tender**  
 01:09:23PM 25 **truck driver or drive back to the Co-Op, get**  
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01:09:26PM 1 **another load, and then just until my day was**  
**done.**  
 01:09:30PM 2 **Q. Okay. You said you did your first**  
 01:09:34PM 3 **load and then you would either wait for someone**  
 01:09:40PM 5 **or go back to the Co-Op to get refilled?**  
 01:09:42PM 6 **A. Yes, sir.**  
 01:09:42PM 7 **Q. So you could go back to the Co-Op and**  
 01:09:44PM 8 **get it refilled or there are people at the Co-Op**  
 01:09:47PM 9 **that will bring you more product?**  
 01:09:49PM 10 **A. Yes, sir.**  
 01:09:50PM 11 **Q. How many loads would you typically go**  
 01:09:54PM 12 **through in a day?**  
 01:09:55PM 13 **A. Depended on rate and size of field.**  
 01:09:59PM 14 **Q. So it would vary quite a bit?**  
 01:10:02PM 15 **A. Yes.**  
 01:10:03PM 16 **Q. When you first got there at 7:30, did**  
 01:10:05PM 17 **someone physically give you a list of the fields**  
 01:10:08PM 18 **or how did you get your assignments for that day?**  
 01:10:10PM 19 **A. I was given a small pile of fields,**  
 01:10:17PM 20 **rate and then a plat map showing, okay, this is**  
 01:10:22PM 21 **the field you need to go to.**  
 01:10:24PM 22 **Q. I take it from a plat map you could**  
 01:10:33PM 23 **tell, okay, this is where I need to go and where**  
 01:10:35PM 24 **I'm actually applying for this day?**  
 01:10:37PM 25 **A. Yes, sir.**

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01:10:37PM 1 Q. How long did you -- did you actually  
01:10:48PM 2 work during the day? Until sundown or how long?  
01:10:52PM 3 **A. It all depended on the fields that**  
01:10:55PM 4 **needed to be done.**  
01:10:56PM 5 Q. Basically you got through your list  
01:10:58PM 6 whenever you got through it?  
01:10:58PM 7 **A. At sundown is shutdown, because at**  
01:11:02PM 8 **that point you don't know if you ran out of**  
01:11:06PM 9 **product in the back or not or if you have**  
01:11:08PM 10 **something plugged in there. So at sundown it's**  
01:11:12PM 11 **done for sure.**  
01:11:13PM 12 Q. So you couldn't go any longer than  
01:11:17PM 13 that?  
01:11:18PM 14 **A. Yes, sir.**  
01:11:18PM 15 Q. Okay. Did you always have the same  
01:11:20PM 16 route or did your route vary from day to day?  
01:11:24PM 17 **A. It varies from day to day.**  
01:11:26PM 18 Q. Did you -- did you have what you  
01:11:27PM 19 consider a typical route?  
01:11:29PM 20 **A. No, sir.**  
01:11:29PM 21 Q. So you didn't have any idea before  
01:11:31PM 22 you got there what your route would be for that  
01:11:33PM 23 day?  
01:11:33PM 24 **A. No, sir.**  
01:11:34PM 25 Q. You didn't have a general pattern  
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01:12:44PM 1 day?  
01:12:44PM 2 **A. No, sir. The acre sheet was just a**  
01:12:48PM 3 **sheet by itself, and that covered until it was**  
01:12:51PM 4 **full, and then you got a stack of papers for**  
01:12:56PM 5 **fields that you actually completed.**  
01:12:57PM 6 Q. You had one piece of paper for each  
01:12:59PM 7 field individually and one global piece?  
01:13:02PM 8 **A. Yes, sir.**  
01:13:12PM 9 Q. Okay. Did you ever fill out any kind  
01:13:13PM 10 of hour logs or did you ever -- did you clock in  
01:13:17PM 11 when you got there?  
01:13:17PM 12 **A. Yes, sir.**  
01:13:18PM 13 Q. And did you clock out when you left?  
01:13:20PM 14 **A. Yes, sir. Can I get a bottle of**  
01:13:26PM 15 **water?**  
01:13:27PM 16 MR. BOYD: Absolutely. We'll take  
01:13:28PM 17 a short break.  
01:13:53PM 18 (A short recess was taken.)  
01:13:53PM 19 Q. Back on the record.  
01:13:58PM 20 Did you use any type of a computer system  
01:14:00PM 21 as part of your work for the Co-Op?  
01:14:01PM 22 **A. Yes, sir.**  
01:14:02PM 23 Q. What kind of system was that?  
01:14:04PM 24 **A. It was, I believe, a Raven GPS system**  
01:14:10PM 25 **and it had a mini map on it showing the swath of**  
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01:11:35PM 1 that these days you would do this route and these  
01:11:37PM 2 days you would do that route?  
01:11:38PM 3 **A. No.**  
01:11:39PM 4 Q. Okay. Who decided what the route was  
01:11:42PM 5 going to be for you?  
01:11:43PM 6 **A. The head of the agronomy.**  
01:11:45PM 7 Q. And remind me of his name again.  
01:11:48PM 8 **A. Rich Brahmer.**  
01:11:50PM 9 Q. Did you fill out any kind of  
01:12:00PM 10 paperwork as a part of your daily routine?  
01:12:03PM 11 **A. I filled out the applicator sheet,**  
01:12:05PM 12 **which is -- I believe the Co-Op should have**  
01:12:09PM 13 **copies of that, and then an acres sheet showing,**  
01:12:11PM 14 **okay, I spread 90 acres in this field, just to**  
01:12:17PM 15 **keep track of for bonuses.**  
01:12:19PM 16 Q. So there were two pieces of paper you  
01:12:22PM 17 filled out each day?  
01:12:23PM 18 **A. Yes, each field.**  
01:12:25PM 19 Q. Each field. So every field you would  
01:12:27PM 20 fill out two different pieces of paper describing  
01:12:32PM 21 what you did for that field?  
01:12:33PM 22 **A. Yes, sir.**  
01:12:34PM 23 Q. Okay. At the end of your day you'd  
01:12:39PM 24 have a stack of paper for -- you know, with two  
01:12:41PM 25 pieces for each field that you applied on that  
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01:14:17PM 1 **the applied product.**  
01:14:22PM 2 Q. Does that GPS tell you where to go?  
01:14:26PM 3 Describe to me how you -- how you use that.  
01:14:29PM 4 **A. When you got to the field, you had to**  
01:14:32PM 5 **set it up for, like, your rate and pounds and**  
01:14:36PM 6 **what product you're using. And then you made an**  
01:14:43PM 7 **exterior pass to set your boundaries, so you kind**  
01:14:46PM 8 **of didn't overshoot anything or over apply or**  
01:14:50PM 9 **under apply anything, and it then just lit up**  
01:14:54PM 10 **green as you drove up and down the field.**  
01:14:57PM 11 Q. Did it physically guide the equipment  
01:15:00PM 12 or were you physically driving the equipment?  
01:15:04PM 13 **A. It had the ability to physically**  
01:15:08PM 14 **guide the equipment, but after crops come up, it**  
01:15:11PM 15 **is highly advised, unless you were the one that**  
01:15:13PM 16 **planted them with that GPS system, to use the**  
01:15:16PM 17 **steering wheel.**  
01:15:17PM 18 Q. Okay. Did it -- do you know, did it  
01:15:21PM 19 store your kind of GPS information in it?  
01:15:24PM 20 **A. I -- I believe it had the ability.**  
01:15:27PM 21 Q. But you didn't ever have any need to  
01:15:29PM 22 go back and look at the GPS data?  
01:15:32PM 23 **A. No.**  
01:15:33PM 24 Q. When you were driving from one field  
01:15:37PM 25 to the another, did the GPS operate during that  
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01:15:40PM 1 time?

01:15:41PM 2 **A. Yes. It had, like, a road -- a very**

01:15:43PM 3 **undetailed road map.**

01:15:50PM 4 Q. Any other kind of computer system you

01:15:52PM 5 used?

01:15:53PM 6 A. **No, sir.**

01:15:53PM 7 Q. Okay.

01:15:55PM 8 A. **Well, my phone and a radio. Other**

01:15:59PM 9 **than that, no.**

01:16:00PM 10 Q. Okay. Is that your personal phone?

01:16:04PM 11 A. **Yes, sir.**

01:16:04PM 12 Q. Did you have an email address with

01:16:11PM 13 the Co-Op?

01:16:12PM 14 A. **No, sir.**

01:16:13PM 15 Q. Describe to me how you used your

01:16:16PM 16 phone as another radio. Was it kind of a

01:16:19PM 17 walkie-talkie type of a use or to call somebody?

01:16:22PM 18 A. **No. Like a Pandora, streaming radio.**

01:16:27PM 19 **And if I needed to call somebody, I had it on the**

01:16:33PM 20 **console.**

01:16:33PM 21 Q. So was your phone, like, actively

01:16:36PM 22 plugged in when you're driving?

01:16:37PM 23 A. **It was on a -- on a -- an auxiliary**

01:16:41PM 24 **cord to the radio.**

01:16:42PM 25 Q. And it was kind of just on all the

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01:16:46PM 1 time with open channels?

01:16:47PM 2 A. **Yes.**

01:16:48PM 3 Q. And you could press a button and talk

01:16:50PM 4 into the radio or the phone?

01:16:51PM 5 A. **I could press a button and call**

01:16:54PM 6 **someone, not -- it wasn't like a two-way radio.**

01:16:57PM 7 **It was a streaming device that I could make phone**

01:17:01PM 8 **calls with.**

01:17:06PM 9 Q. Okay. And were members of the Co-Op

01:17:07PM 10 making announcements on there or what were you

01:17:10PM 11 listening?

01:17:10PM 12 A. **I was -- I was listening to Pandora.**

01:17:12PM 13 Q. Okay. So just music?

01:17:14PM 14 A. **Yes.**

01:17:15PM 15 Q. Okay. It wasn't really work related

01:17:17PM 16 as much as it was --

01:17:18PM 17 A. **A comfort thing.**

01:17:19PM 18 Q. Got it. Okay. I was thinking radio,

01:17:26PM 19 like communicating back and forth.

01:17:29PM 20 Okay. So you were using your cell phone as

01:17:31PM 21 just a music device and it was playing on some

01:17:34PM 22 speakers in the RoGator?

01:17:37PM 23 A. **Yes, sir.**

01:17:38PM 24 Q. Okay. Did you use your phone for any

01:17:41PM 25 other things other than making calls while you

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01:17:43PM 1 were operating the RoGator?

01:17:45PM 2 A. **I don't believe so.**

01:17:50PM 3 Q. Okay. Let's talk about the date of

01:17:52PM 4 the accident at issue here, which my

01:17:54PM 5 understanding was June 26th, 2013; is that right?

01:17:56PM 6 A. **Yes, sir.**

01:17:57PM 7 Q. Okay. We'll get into specifics, but

01:18:05PM 8 generally it occurred on Highway 57 near what is

01:18:11PM 9 referred to as 857th Road in Wayne County,

01:18:15PM 10 Nebraska; is that right?

01:18:16PM 11 A. **I believe so.**

01:18:16PM 12 Q. Okay. You were working for Co-Op

01:18:20PM 13 that day?

01:18:21PM 14 A. **Yes, sir.**

01:18:21PM 15 Q. Let's start in the morning. What

01:18:25PM 16 time do you recall getting to work that day?

01:18:27PM 17 A. **I believe 7:30 -- seven to eight**

01:18:30PM 18 **o'clock, somewhere in that time range.**

01:18:32PM 19 Q. Just your standard time you'd get

01:18:34PM 20 there in the morning?

01:18:35PM 21 A. **Yes, sir.**

01:18:38PM 22 Q. Did you clock in that day, I assume?

01:18:40PM 23 A. **Yes, sir.**

01:18:41PM 24 Q. You would have received, we talked

01:18:43PM 25 about earlier, kind of a stack of different

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01:18:46PM 1 properties you were going to apply on that day?

01:18:48PM 2 A. **Yes, sir.**

01:18:49PM 3 Q. Did you always drive the same

01:18:57PM 4 applicator, same dry spreader?

01:18:59PM 5 A. **Yes, sir.**

01:19:00PM 6 Q. So from the time you were cut loose

01:19:07PM 7 to the time of the accident, you drove the same

01:19:09PM 8 spreader every day?

01:19:09PM 9 A. **Yes, sir.**

01:19:10PM 10 Q. Do you recall what your route was

01:19:16PM 11 that day, generally?

01:19:18PM 12 A. **I showed up in Pilger, they then sent**

01:19:23PM 13 **me to --**

01:19:23PM 14 Q. So Pilger, that's where you start

01:19:26PM 15 every day; is that right?

01:19:27PM 16 A. **Yes.**

01:19:27PM 17 Q. Okay.

01:19:28PM 18 A. **They then sent me to Winside to help**

01:19:31PM 19 **apply up there with my machine. So I drove my**

01:19:35PM 20 **machine up to Winside, received a stack of**

01:19:39PM 21 **papers, kind of -- they kind of showed me on the**

01:19:42PM 22 **map, on a big series of plat maps the general**

01:19:47PM 23 **route to take.**

01:19:51PM 24 Q. You didn't receive any papers from

01:19:53PM 25 Pilger, they sent you up to Winside?

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01:19:56PM 1 **A. Yes.**  
 01:19:56PM 2 **Q. You drove your RoGator from Pilger to**  
 01:19:59PM 3 **Winside?**  
 01:19:59PM 4 **A. Yes, sir.**  
 01:19:59PM 5 **Q. They handed you the papers and handed**  
 01:20:02PM 6 **you a plat map, here's where you're going to work**  
 01:20:06PM 7 **for the day?**  
 01:20:06PM 8 **A. Yes, sir.**  
 01:20:08PM 9 **Q. Okay. Was it after -- do you recall**  
 01:20:11PM 10 **just generally what your route was that day?**  
**A. I headed to the west and started working my way north.**  
 (Deposition Exhibit Numbers 4 and 5 were marked for identification.)  
 01:21:09PM 13 **Q. I'm handing you Exhibits No. 4 and 5.**  
 01:21:13PM 16 **Do you recognize either of these documents?**  
**A. I do not recognize 4. I recognize the general layout of 5.**  
 01:21:26PM 19 **Q. Okay. Do you -- is No. 4 -- is that your handwriting?**  
 01:21:31PM 20 **A. No, sir.**  
 01:21:33PM 22 **Q. Okay. So you don't know who wrote No. 4?**  
 01:21:36PM 23 **A. No, sir.**  
 01:21:37PM 25 **Q. Does this look like anything you**  
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01:21:39PM 1 **would have worked with, this kind of a -- this kind of a list?**  
**A. The list I would have gotten would have been a stack of essentially Exhibit No. 5.**  
 01:21:42PM 2 **Q. Okay. Do you recognize in -- and the highlighting is not mine, the highlighting is from whoever gave it to me, the Co-Op, I believe. Do you recognize the locations of those highlighted areas?**  
**A. I believe those were the fields I had applied that morning or that day, I guess, in general.**  
 01:22:14PM 11 **Q. Okay. So is it possible that this is a list of the fields you were assigned to apply on the date of the accident?**  
**A. Yes, sir.**  
 01:22:18PM 12 **Q. Okay. Does that appear to be what it is from your understanding?**  
**A. I believe so.**  
 01:22:29PM 13 **Q. Okay. So at what point -- if you can tell in this list, at what point did the accident happen, between which fields?**  
**A. My guess would be after, like, I believe the 423 A 40-pound nutri -- NutriSphere and then I believe that's when it -- where I was**  
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01:23:13PM 1 **going.**  
 01:23:14PM 2 **Q. Okay. So you were heading towards the 420 -- looks like 425 to me, maybe, but were you going towards the 425 A at the time of the accident?**  
**A. I believe so, either that one or the next line down.**  
 01:23:28PM 6 **Q. Okay. So you had -- you had completed -- your recollection you completed applying the highlighted -- the three highlighted fields?**  
 01:23:38PM 11 **A. I believe so.**  
 01:23:39PM 13 **Q. And you were either -- maybe you had completed 425, but you were either heading to 425 A or you were heading towards 85 A?**  
 01:23:46PM 15 **A. Yes.**  
 01:23:52PM 17 **Q. Describe to me where the -- is it Kevin 80 A, describe to me where that is, if you can?**  
 01:23:56PM 18 **A. I --**  
 01:24:00PM 20 **Q. You don't recall --**  
 01:24:04PM 22 **A. No.**  
 01:24:04PM 23 **Q. -- exactly where that is. Okay. So you don't have an independent recollection of where that field is listed on here?**  
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01:24:10PM 1 **A. No, sir.**  
 01:24:11PM 2 **Q. Okay. Do you have any recollection of where 425 A is?**  
 01:24:13PM 3 **A. No, sir.**  
 01:24:15PM 5 **Q. What about 85 A?**  
**A. One of those would be the field I was going to.**  
 01:24:22PM 7 **Q. And --**  
 01:24:23PM 9 **A. I believe it's -- actually thinking about it now, would be the 85 A.**  
 01:24:25PM 10 **Q. Okay. You believe that you were heading towards 85 A at the time of the accident?**  
**A. Yes.**  
 01:24:33PM 13 **Q. Can you describe to me where 85 A is?**  
**A. I believe that it would be from, like, the intersection where the accident occurred, it would be, I believe, roughly half a mile north on the east side of the highway.**  
 01:24:41PM 15 **Q. I printed off some maps. Maybe it would be easier for you.**  
 (Deposition Exhibit Number 6 was marked for identification.)  
 01:24:46PM 16 **Q. Handing you Exhibit No. 6. I'll represent to you these are just -- these are maps, aerial shots that I pulled myself. But**  
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01:25:27PM 1 it's my understanding, as you go through the  
01:25:29PM 2 pictures, you kind of zoom in where the accident  
01:25:33PM 3 happened. Can you look through those and tell me  
01:25:35PM 4 if that's correct?

01:25:42PM 5 **A. Yes, sir.**

01:25:42PM 6 Q. Okay. Do any of these photos in this  
01:25:50PM 7 exhibit show the field that you believe you were  
01:25:53PM 8 heading towards?

01:25:54PM 9 **A. I believe it would be this**  
01:25:59PM 10 **southwestern section -- southwestern quarter.**

01:26:04PM 11 Q. You want to -- do you have any  
01:26:07PM 12 problem with him marking on the exhibit?

01:26:10PM 13 Do you want to -- if I hand you a pen, would  
01:26:13PM 14 you outline the field you were heading towards at  
01:26:15PM 15 the time of the accident?

01:26:15PM 16 **A. (Witness complies.)**

01:26:27PM 17 Q. I'm just going to take this and just  
01:26:28PM 18 look at it for myself.

01:26:35PM 19 Okay. So the field you've outlined you  
01:26:43PM 20 believe was a field you were heading towards when  
01:26:45PM 21 the accident occurred?

01:26:46PM 22 **A. Yes, sir.**

01:26:47PM 23 Q. Okay. Do you recall which field you  
01:26:49PM 24 were coming from?

01:26:56PM 25 **A. I believe it's somewhere southwest**

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01:27:01PM 1 **off the map.**

01:27:02PM 2 Q. Okay. So describe the route you were  
01:27:06PM 3 taking from the prior location to get to the  
01:27:09PM 4 field that you had -- you had outlined.

01:27:11PM 5 **A. I had traveled north on a country**  
01:27:15PM 6 **road until I got to Highway 98, and at the 57**  
01:27:22PM 7 **intersection I headed north and the accident**  
01:27:28PM 8 **occurred a mile north of the intersection.**

01:27:51PM 9 Q. Where were you -- what physical  
01:27:54PM 10 location were you traveling towards at the time  
01:27:56PM 11 of the accident? What was your -- where were you  
01:27:57PM 12 going?

01:27:58PM 13 **A. I was heading to the minimum**  
01:28:00PM 14 **maintenance road in the intersection to the west,**  
01:28:04PM 15 **as that was the best location to load for the**  
01:28:07PM 16 **field.**

01:28:09PM 17 Q. Okay. So your first step in order to  
01:28:11PM 18 apply on that field was to get loaded up with  
01:28:14PM 19 product?

01:28:14PM 20 **A. Yes.**

01:28:22PM 21 Q. Were there already people waiting for  
01:28:25PM 22 you?

01:28:26PM 23 **A. No, sir.**

01:28:28PM 24 Q. To --

01:28:28PM 25 MR. GOYETTE: Excuse me. I'm sorry.

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01:28:30PM 1 I just don't want to make -- I don't want to make  
01:28:33PM 2 this difficult for our reporter, so just wait  
01:28:34PM 3 until Mr. Boyd finishes.

01:28:35PM 4 Q. So was it your intent to go to that  
01:28:38PM 5 designated spot and wait for them to meet you  
01:28:41PM 6 there to load you up?

01:28:42PM 7 **A. Yes, sir.**

01:28:42PM 8 Q. So if we -- we'll just mark on there  
01:28:51PM 9 again. Can you mark where -- what specific spot  
01:28:54PM 10 you were planning on parking in to wait for them?

01:28:54PM 11 **A. (Witness complies.)**

01:28:57PM 12 Q. So the rectangle where you've -- you  
01:29:10PM 13 printed on the last page of Exhibit 6 is the  
01:29:12PM 14 location you were planning on parking and  
01:29:14PM 15 waiting --

01:29:15PM 16 **A. Yes, sir.**

01:29:15PM 17 Q. -- in order to get loaded up with  
01:29:17PM 18 fertilizer?

01:29:18PM 19 **A. Yes, sir.**

01:29:33PM 20 Q. Okay. That's helpful to understand  
01:29:36PM 21 just the -- the names on Exhibit 4 don't do a lot  
01:29:40PM 22 for me, so that helps me understand exactly what  
01:29:42PM 23 we're talking about here.

01:29:56PM 24 You were driving that alone, there was  
01:30:00PM 25 nobody with you at the time of the accident?

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01:30:01PM 1 **A. Yes, sir.**

01:30:02PM 2 Q. So the accident happened around 3:37  
01:30:16PM 3 in the afternoon?

01:30:17PM 4 **A. Yes.**

01:30:17PM 5 Q. Does that sound right?

01:30:18PM 6 **A. That sounds correct.**

01:30:19PM 7 Q. Did you stop and have lunch anywhere  
01:30:22PM 8 earlier in the day?

01:30:23PM 9 **A. Probably around noon.**

01:30:25PM 10 Q. You just bring your lunch with you?

01:30:27PM 11 **A. Yes.**

01:30:31PM 12 Q. How long, approximately, would it  
01:30:33PM 13 have taken you to go from the field you were  
01:30:36PM 14 applying to the field you were trying to get to?  
01:30:41PM 15 How long were you actually driving the equipment?

01:30:44PM 16 **A. 20 minutes, I believe.**

01:30:50PM 17 Q. What kind of speed does the RoGator  
01:30:54PM 18 travel on the road?

01:30:54PM 19 **A. 24 miles an hour.**

01:30:56PM 20 Q. Is that the maximum?

01:30:58PM 21 **A. Yes, sir.**

01:30:58PM 22 Q. Would you -- is 24 typically what you  
01:31:06PM 23 would set it at as you drive down the road?

01:31:09PM 24 **A. Yes.**

01:31:09PM 25 Q. Is there a cruise control or do you  
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01:31:11PM 1 just accelerate and it stops you at 24?

01:31:11PM 2 **A. The throttle is all the way forward at 24 miles an hour.**

01:31:14PM 3 Q. Okay. What was the weather like on that -- on the day of the accident?

01:31:25PM 4 **A. It was sunny and hot.**

01:31:27PM 5 Q. Are you familiar with the general location of the accident? Had you driven around that area before?

01:31:41PM 6 **A. No, sir.**

01:31:41PM 7 Q. Was that the first time you had driven that route?

01:31:43PM 8 **A. Yes, sir.**

01:31:44PM 9 Q. Do you recall if that area was flat or hilly or anything like that?

01:32:02PM 10 **A. There was a hill to the south of me probably 200 yards at the most.**

01:32:05PM 11 Q. Would that hill have blocked your vision at all if you were looking behind you?

01:32:25PM 12 **A. Yes, sir.**

01:32:27PM 13 Q. Do you recall that hill blocking your vision at any point?

01:32:31PM 14 **A. I recall checking my mirrors, but I did not see any vehicles behind me.**

01:32:35PM 15 Q. So you're driving your RoGator north

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01:32:44PM 1 on Highway 57?

01:32:46PM 2 **A. Yes, sir.**

01:32:51PM 3 Q. Right. And your goal is to go to the rectangle box that you had marked on the -- on the map?

01:32:52PM 4 **A. Yes, sir.**

01:32:53PM 5 Q. When you're driving on Highway 57 before you get close to where you're going, where -- where in the roadway are you driving the RoGator? Are you driving in the middle? Were you driving on the shoulder? Were you driving -- does it vary?

01:33:07PM 6 **A. It kind of depends on how big the roadway is. The -- the spreader had the ability to thin out its wheelbase, so when you travel on the highway, you thinned it out to where you can fit in a lane, and if you met a big vehicle, you kind of slide off to the shoulder a little bit.**

01:33:11PM 7 Q. If there was a big -- a vehicle coming towards you?

01:33:15PM 8 **A. Yes, sir.**

01:33:22PM 9 Q. So you were in what I call a narrow stance at the time you were driving the vehicle on that day?

01:33:32PM 10 **A. Yes, sir.**

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01:33:43PM 1 Q. So in narrow stance were you able to fit within just the normal lane of traffic on Highway 57?

01:33:51PM 2 **A. Yes, sir.**

01:33:52PM 3 Q. So do you recall -- is it your recollection that you were only driving in the main lane of traffic when you were on Highway 57 --

01:34:08PM 4 **A. Yes, sir.**

01:34:08PM 5 Q. -- leading up to the area of the accident?

01:34:11PM 6 **A. Yes, sir.**

01:34:12PM 7 Q. And you believe leading up to the accident you had been going about 24 miles an hour?

01:34:29PM 8 **A. Yes, sir.**

01:34:31PM 9 Q. Do you recall what gear you would have been in? Are there different gears on the RoGator?

01:34:35PM 10 **A. Fourth.**

01:34:36PM 11 Q. Is that kind of the maximum?

01:34:38PM 12 **A. Yes, I believe. It's been awhile since I operated it.**

01:34:44PM 13 Q. But it would have been kind of what the top speed was?

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01:34:48PM 1 **A. The road gear, yes.**

01:34:50PM 2 Q. Okay. So as you approach the area where Highway 57 and you call a minimum --

01:34:56PM 3 **A. Minimum maintenance road.**

01:35:05PM 4 Q. Minimum maintenance road. So at the area where Highway 57 and the minimum maintenance road come together, how did you operate the machine? Tell me what happened.

01:35:18PM 5 **A. I signaled my intent to turn, checked my mirror, checked in front of me, started to turn.**

01:35:22PM 6 Q. So which mirror are you talking about that you say --

01:35:25PM 7 **A. There -- there's a mirror that sets probably three feet out at the cab so you can actually see past the dry box.**

01:35:26PM 8 Q. Kind of see to your left?

01:35:30PM 9 **A. Yes, sir.**

01:35:30PM 10 Q. So you checked the mirror, kind of the side view mirror that is a bit off the vehicle. Any other mirrors that you checked?

01:35:42PM 11 **A. No, sir.**

01:35:46PM 12 Q. Are there other mirrors --

01:35:49PM 13 **A. Yes, sir.**

01:35:54PM 14 Q. -- available?

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01:35:56PM 1 **A. Except they are under the vehicle, so**  
 01:36:01PM 2 **as you're driving through the field you can see**  
 01:36:03PM 3 **if you're hitting the crop.**

01:36:05PM 4 Q. Is there -- is there any other  
 01:36:07PM 5 mirrors that would allow you to look behind you?

01:36:09PM 6 **A. I believe there's one on the right**  
 01:36:11PM 7 **side also.**

01:36:11PM 8 Q. You don't specifically recall looking  
 01:36:14PM 9 at the right side mirror at that time?

01:36:16PM 10 **A. No, sir.**

01:36:32PM 11 Q. Tell me about the kind of turns these  
 01:36:39PM 12 RoGators make. I mean, is it a tight turn? Is  
 01:36:42PM 13 it a wide turn? How would you describe the  
 01:36:45PM 14 turning radius?

01:36:46PM 15 **A. I would describe it as kind of**  
 01:36:52PM 16 **medium.**

01:36:53PM 17 Q. Do you know, like, feet-wise what a  
 01:36:56PM 18 turning radius on one of those would be?

01:36:58PM 19 **A. No, sir.**

01:36:59PM 20 Q. It's certainly larger than if you  
 01:37:02PM 21 were driving a personal vehicle?

01:37:03PM 22 **A. Yes, but not by much.**

01:37:13PM 23 Q. Do you have to do anything in order  
 01:37:15PM 24 to make a turn in one of these vehicles? I mean,  
 01:37:20PM 25 do you have to make a wider turn or can you just

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01:38:55PM 1 Q. -- Highway 57. So, your intent was  
 01:38:59PM 2 to face the RoGator towards Highway 57 once you  
 01:39:02PM 3 were parked?

01:39:02PM 4 **A. Yes, sir.**

01:39:16PM 5 Q. Okay. So I'm just looking at this,  
 01:39:20PM 6 it seems like I would call that kind of a  
 01:39:23PM 7 three-quarter turn if you were able to complete  
 01:39:26PM 8 it. Would you agree with that? I mean, your --  
 01:39:29PM 9 it's not a 90-degree turn, it's not a 180-degree  
 01:39:32PM 10 turn. It's kind of a three-quarter turn; is that  
 01:39:36PM 11 right?

01:39:36PM 12 **A. I would say as you're reading it,**  
 01:39:38PM 13 **yes, but my intent was to go to a field entrance**  
 01:39:41PM 14 **and then proceed to do a three-quarter turn and**  
 01:39:45PM 15 **come back.**

01:39:45PM 16 Q. Okay. So your intent was to turn  
 01:39:49PM 17 onto the minimum maintenance road and then go  
 01:39:51PM 18 down the minimum maintenance road for how far?

01:39:53PM 19 **A. I believe there's a field entrance**  
 01:39:58PM 20 **probably another quarter mile at the most --**

01:40:02PM 21 Q. Okay.

01:40:03PM 22 **A. -- west, turn in there, back out and**  
 01:40:06PM 23 **head east.**

01:40:07PM 24 Q. Okay. And there was no one -- there  
 01:40:10PM 25 were no other vehicles in that area making a

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01:37:23PM 1 make it just turning left or turning right just  
 01:37:26PM 2 like you would in any other vehicle?

01:37:28PM 3 **A. It all depends on speed and, I guess,**  
 01:37:32PM 4 **the surface you're driving on.**

01:37:34PM 5 Q. So on this day as you were going 24  
 01:37:39PM 6 on this road, describe to me how you performed  
 01:37:43PM 7 the turn on this road.

01:37:45PM 8 **A. I slowed down, at most eight miles an**  
 01:37:52PM 9 **hour, probably lower than that. I signaled my**  
 01:37:56PM 10 **intent to turn and started the turn.**

01:37:58PM 11 Q. When you start to turn, if you're  
 01:38:07PM 12 going straight, do you immediately start turning  
 01:38:10PM 13 left or do you make it -- kind of a wide turn and  
 01:38:13PM 14 kind of start to the right and make a wide turn?

01:38:18PM 15 **A. You would immediately start to turn**  
 01:38:24PM 16 **to the left.**

01:38:23PM 17 Q. Looking at the rectangle you have  
 01:38:28PM 18 drawn on the exhibit, how were you planning on  
 01:38:42PM 19 parking your RoGator? What direction were you  
 01:38:44PM 20 going to be facing when you were done?

01:38:45PM 21 **A. I was going to be facing back towards**  
 01:38:47PM 22 **the highway.**

01:38:49PM 23 Q. Okay. So you were going -- your  
 01:38:52PM 24 intent was to face the RoGator towards --

01:38:54PM 25 **A. Back --**

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01:40:13PM 1 turn? There were no parked vehicles?

01:40:15PM 2 **A. No, sir.**

01:40:16PM 3 Q. Okay.

01:40:17PM 4 **A. I don't believe so.**

01:40:23PM 5 Q. You don't recall any?

01:40:25PM 6 **A. No.**

01:40:25PM 7 Q. How many times do you recall checking  
 01:40:38PM 8 your mirror before you made the turn?

01:40:40PM 9 **A. Twice.**

01:40:43PM 10 Q. So would your first step have been to  
 01:40:47PM 11 slow down to eight miles an hour or less? What's  
 01:40:51PM 12 the very first thing you do to get ready for the  
 01:40:54PM 13 turn?

01:40:55PM 14 **A. Just signal as I'm slowing down,**  
 01:40:58PM 15 **quick glance forward and then double-check and**  
 01:41:01PM 16 **start the turn.**

01:41:02PM 17 Q. So would you -- I mean, eight miles  
 01:41:10PM 18 an hour would be what you estimate the turn, was  
 01:41:12PM 19 that your turning speed or less than eight miles  
 01:41:15PM 20 an hour?

01:41:15PM 21 **A. Less.**

01:41:16PM 22 Q. Do you have a -- what miles per hour  
 01:41:18PM 23 would you estimate the actual turn would be at?

01:41:21PM 24 **A. Four or five.**

01:41:23PM 25 Q. Looking at the last page of that  
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01:41:40PM 1 exhibit, the closest one, would you have started  
 01:41:44PM 2 slowing down at the -- at the area depicted on  
 01:41:48PM 3 the map or would you have started slowing down  
 01:41:50PM 4 earlier than what's depicted on that last page?  
**A. I would have started slowing down  
 probably one, two, three -- the third power line  
 from the intersection to the south.**  
 01:41:53PM 5  
 01:41:55PM 6  
 01:42:01PM 7  
 01:42:04PM 8  
 01:42:10PM 9  
 01:42:11PM 10  
 01:42:13PM 11  
 01:42:13PM 12  
 01:42:15PM 13  
 01:42:16PM 14  
 01:42:29PM 15  
 01:42:32PM 16  
 01:42:37PM 17  
 01:42:39PM 18  
 01:42:44PM 19  
 01:42:48PM 20  
 01:42:52PM 21  
 01:42:54PM 22  
 01:42:56PM 23  
 01:42:56PM 24  
 01:42:56PM 25  
**A. (Witness complies.)**  
 01:42:56PM 16  
 01:42:56PM 17  
 01:42:56PM 18  
 01:42:56PM 19  
 01:42:56PM 20  
**A. I would guess around the seven on the  
 map for 557th Avenue.**  
 01:42:56PM 21  
 01:42:56PM 22  
 01:42:56PM 23  
 01:42:56PM 24  
 01:42:56PM 25  
**A. That's where I assumed I would have**  
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01:43:00PM 1 **turned at. I don't recall specifically.**  
 01:43:02PM 2 Q. Do you recall any part of your  
 01:43:13PM 3 vehicle going over into the right shoulder as you  
 01:43:16PM 4 started the turn?  
**A. Possibly.**  
 01:43:20PM 5 Q. And why do you say possibly?  
**A. Because I never had been in the area  
 and I wasn't sure for the exact location for a  
 load out. I -- I scanned ahead and saw it was  
 going to be difficult, if not impossible, to load  
 out at the field entrance.**  
 01:43:25PM 6  
 01:43:28PM 7  
 01:43:32PM 8  
 01:43:36PM 9  
 01:43:39PM 10  
 01:43:44PM 11  
 01:43:48PM 12  
 01:43:49PM 13  
 01:43:53PM 14  
 01:43:56PM 15  
 01:43:58PM 16  
 01:44:00PM 17  
 01:44:01PM 18  
 01:44:15PM 19  
 01:44:16PM 20  
 01:44:18PM 21  
 01:44:23PM 22  
**A. Yes, sir.**  
 01:44:28PM 23  
 01:44:30PM 24  
 01:44:33PM 25  
**A. Yes, sir.**  
 01:44:39PM 26  
 01:44:44PM 27  
 01:44:48PM 28  
 01:44:52PM 29  
 01:44:56PM 30  
 01:44:58PM 31  
 01:45:02PM 32  
 01:45:06PM 33  
 01:45:10PM 34  
 01:45:14PM 35  
 01:45:18PM 36  
 01:45:22PM 37  
 01:45:26PM 38  
 01:45:30PM 39  
 01:45:34PM 40  
 01:45:38PM 41  
 01:45:42PM 42  
 01:45:46PM 43  
 01:45:48PM 44  
 01:45:51PM 45  
 01:45:55PM 46  
 01:45:57PM 47  
 01:46:01PM 48  
 01:46:06PM 49  
 01:46:11PM 50  
 01:46:13PM 51  
 01:46:16PM 52  
 01:46:19PM 53  
 01:46:24PM 54  
 01:46:27PM 55  
 01:46:29PM 56  
 01:46:30PM 57  
 01:46:30PM 58  
 01:46:32PM 59  
 01:46:34PM 60  
 01:46:35PM 61  
 01:46:39PM 62  
 01:46:41PM 63  
 01:46:44PM 64  
 01:46:47PM 65  
**A. Yes, sir.**  
 01:46:51PM 66  
**A. Yes, sir. Fully stopped or less than  
 three miles an hour.**  
 01:46:55PM 67  
 01:46:58PM 68  
 01:47:02PM 69  
 01:47:06PM 70  
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01:44:25PM 1 wanted to end up?  
**A. Yes, sir. Looking at the picture,  
 there is very clear evidence of the turn radius  
 in the field to the southwest.**  
 01:44:27PM 2  
 01:44:31PM 3  
 01:44:35PM 4  
 01:44:42PM 5  
 01:44:45PM 6  
 01:44:48PM 7  
 01:44:48PM 8  
 01:44:49PM 9  
 01:44:50PM 10  
 01:44:52PM 11  
 01:44:55PM 12  
 01:44:57PM 13  
 01:45:00PM 14  
 01:45:02PM 15  
 01:45:06PM 16  
 01:45:08PM 17  
 01:45:12PM 18  
 01:45:15PM 19  
 01:45:17PM 20  
 01:45:20PM 21  
 01:45:21PM 22  
**A. I would guess they were.**  
 01:45:25PM 13  
 01:45:27PM 14  
 01:45:30PM 15  
 01:45:32PM 16  
 01:45:35PM 17  
 01:45:37PM 18  
 01:45:40PM 19  
 01:45:43PM 20  
 01:45:46PM 21  
 01:45:48PM 22  
 01:45:51PM 23  
 01:45:53PM 24  
 01:45:56PM 25  
**A. Not really. They appear to be  
 roughly the same.**  
 01:45:59PM 21  
 01:46:01PM 22  
 01:46:04PM 23  
 01:46:07PM 24  
 01:46:10PM 25  
**A. No.**  
 01:46:13PM 21  
 01:46:16PM 22  
 01:46:19PM 23  
 01:46:22PM 24  
 01:46:25PM 25  
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01:45:42PM 1 part of your vehicle might have gone on the right  
 01:45:44PM 2 shoulder, and you said possibly because you were  
 01:45:46PM 3 still trying to figure out exactly where you  
 01:45:48PM 4 wanted to go. Did you -- did you start to make a  
 01:45:51PM 5 turn towards the field, towards the right, and  
 01:45:55PM 6 then you decided to go to the left?  
**A. I may have kind of been half on the  
 highway, half off the highway, stopped for a  
 brief amount of time and then decided to turn  
 onto the minimum maintenance.**  
 01:45:57PM 7  
 01:46:01PM 8  
 01:46:06PM 9  
 01:46:11PM 10  
 01:46:13PM 11  
 01:46:16PM 12  
 01:46:19PM 13  
 01:46:24PM 14  
 01:46:27PM 15  
 01:46:29PM 16  
 01:46:30PM 17  
 01:46:30PM 18  
 01:46:32PM 19  
 01:46:34PM 20  
 01:46:35PM 21  
 01:46:39PM 22  
 01:46:41PM 23  
 01:46:44PM 24  
 01:46:47PM 25  
**A. Yes, sir.**  
 01:46:51PM 26  
**A. Yes, sir. Fully stopped or less than  
 three miles an hour.**  
 01:46:55PM 27  
 01:46:58PM 28  
 01:47:02PM 29  
 01:47:06PM 30  
 01:47:10PM 31  
 01:47:14PM 32  
 01:47:18PM 33  
 01:47:22PM 34  
 01:47:26PM 35  
 01:47:30PM 36  
 01:47:34PM 37  
 01:47:38PM 38  
 01:47:42PM 39  
 01:47:46PM 40  
 01:47:50PM 41  
 01:47:54PM 42  
 01:47:58PM 43  
 01:48:02PM 44  
 01:48:06PM 45  
 01:48:10PM 46  
 01:48:14PM 47  
 01:48:18PM 48  
 01:48:22PM 49  
 01:48:26PM 50  
 01:48:30PM 51  
 01:48:34PM 52  
 01:48:38PM 53  
 01:48:42PM 54  
 01:48:46PM 55  
 01:48:50PM 56  
 01:48:54PM 57  
 01:48:58PM 58  
 01:49:02PM 59  
 01:49:06PM 60  
 01:49:10PM 61  
 01:49:14PM 62  
 01:49:18PM 63  
 01:49:22PM 64  
 01:49:26PM 65  
 01:49:30PM 66  
 01:49:34PM 67  
 01:49:38PM 68  
 01:49:42PM 69  
 01:49:46PM 70  
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01:46:47PM 1       **A. I never had any intention to go to**  
 01:46:49PM 2       **the right. I was just trying to figure out do I**  
 01:46:51PM 3       **go to the next intersection and wait there or use**  
 01:46:56PM 4       **the minimum maintenance.**

01:46:57PM 5       **Q. Okay. So you were kind of stopped**  
 01:47:00PM 6       **half on the road, half on the shoulder, deciding**  
 01:47:03PM 7       **do I turn left right here or do I turn left at**  
 01:47:06PM 8       **the next option?**

01:47:07PM 9       **A. Yes, sir.**

01:47:08PM 10       **Q. Okay. How long -- how many seconds**  
 01:47:11PM 11       **do you think you were stopped or going two miles**  
 01:47:13PM 12       **an hour as you were evaluating that?**

01:47:15PM 13       **A. No more than 15.**

01:47:17PM 14       **Q. 15 seconds?**

01:47:18PM 15       **A. Yes, sir.**

01:47:19PM 16       **Q. If you were sitting there for 15 --**  
 01:47:30PM 17       **you know, we'll say 15 seconds, maybe a little**  
 01:47:35PM 18       **less or whatever it was, at what point did you**  
 01:47:38PM 19       **then -- had you already looked in your mirrors or**  
 01:47:43PM 20       **did you then decide I'm going to turn left**  
 01:47:46PM 21       **here and now I'm going to look in my mirror?**

01:47:48PM 22       **A. I then decided I'm going to turn**  
 01:47:50PM 23       **left, check my mirrors, check in front of me,**  
 01:47:52PM 24       **check my mirrors, okay, and started to turn.**

01:47:54PM 25       **Q. Okay. So the -- you put an X kind of**  
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01:49:27PM 1       through -- you're stopped, looking around. You  
 01:49:31PM 2       decide, okay, I'm going to pull over here, you  
 01:49:34PM 3       start to make the turn. Lead me through up until  
 01:49:37PM 4       the accident.

01:49:38PM 5       **A. I was probably 30 to 40 percent**  
 01:49:42PM 6       **through the turn, maybe more, I hear an air horn.**  
 01:49:51PM 7       **I look over my left shoulder, I see a maroon**  
 01:49:57PM 8       **blur. I realize what's going to happen. I**  
 01:50:01PM 9       **pulled back on the throttle as hard as I could**  
 01:50:04PM 10       **and just kind of braced and prayed.**

01:50:09PM 11       **Q. When is the first time you recall**  
 01:50:13PM 12       **seeing the maroon blur? You were already**  
 01:50:16PM 13       **40 percent or so through the turn when you first**  
 01:50:18PM 14       **saw the truck?**

01:50:19PM 15       **A. Yes, sir.**

01:50:19PM 16       **Q. You said air horn. You think that**  
 01:50:24PM 17       **was, like, the driver was honking at you?**

01:50:30PM 18       **A. Yes.**

01:50:30PM 19       **Q. Did your vehicle stop prior to the**  
 01:50:32PM 20       **impact? Are you able to stop when you pulled**  
 01:50:35PM 21       **back on the throttle?**

01:50:36PM 22       **A. I don't believe it had fully stopped**  
 01:50:38PM 23       **when the collision happened.**

01:50:39PM 24       **Q. It had slowed from four to five miles**  
 01:50:42PM 25       **an hour you were driving before?**

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01:47:58PM 1       where you started to slow down?

01:48:00PM 2       **A. Yes, sir.**

01:48:00PM 3       **Q. From the time you slowed down at the**  
 01:48:02PM 4       **X, where on the map there do you think you were**  
 01:48:07PM 5       **stopped?**

01:48:09PM 6       **A. I would guess the A on the South 57th**  
 01:48:12PM 7       **(sic) Avenue.**

01:48:16PM 8       **Q. Kind of -- would you say it was**

01:48:19PM 9       **50/50, half on the road, half on the shoulder, or**  
 01:48:22PM 10       **how would you describe exactly where your RoGator**  
 01:48:26PM 11       **was?**

01:48:29PM 12       **A. I would say probably 75 percent on**  
 01:48:39PM 13       **the road, 25 percent off the road.**

01:48:41PM 14       **Q. And it was from that position that**  
 01:48:44PM 15       **you then made the turn?**

01:49:05PM 16       **A. Yes.**

01:49:07PM 17       **Q. Do you think you made -- you were at**  
 01:49:11PM 18       **a constant speed during the turn, you didn't slow**  
 01:49:12PM 19       **your -- speed up or slow down?**

01:49:21PM 20       **A. During the turn, yes. Right before**  
 01:49:23PM 21       **the collision, I pulled back on the hand throttle**  
 01:49:26PM 22       **as hard as I could.**

01:49:29PM 23       **Q. To try to stop?**

01:49:24PM 24       **A. Yes.**

01:49:25PM 25       **Q. Okay. So just lead me -- lead me**  
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01:50:43PM 1       **A. Yes.**

01:50:45PM 2       **MR. GOYETTE: Well, I'm sorry, I**  
 01:50:46PM 3       **thought you said 45. You said four to five.**

01:50:49PM 4       **MR. BOYD: Yes, four to five.**

01:50:50PM 5       **Q. So we're talking just -- I mean, it**  
 01:50:52PM 6       **was pretty slow?**

01:50:54PM 7       **A. Yes.**

01:51:00PM 8       **Q. So you slowed your vehicle. Describe**  
 01:51:03PM 9       **the impact for me. Do you remember the impact?**

01:51:07PM 10       **A. I remember being thrown around in the**  
 01:51:10PM 11       **cab, hitting my head on one of the support posts,**  
 01:51:14PM 12       **and it was all over pretty quick.**

01:51:18PM 13       **Q. Did it -- describe how the -- did the**  
 01:51:22PM 14       **RoGator move as a result of the impact?**

01:51:24PM 15       **A. It -- I was facing north at the end**  
 01:51:26PM 16       **of the impact.**

01:51:30PM 17       **Q. So kind of a 90-degree turn? It**  
 01:51:32PM 18       **moved -- it moved the vehicle about 90 degrees?**

01:51:34PM 19       **A. Yes.**

01:51:34PM 20       **Q. Okay. It's my understanding that the**  
 01:51:41PM 21       **truck that was coming north on Highway 57 ended**  
 01:51:46PM 22       **up going into kind of the trees past the minimum**  
 01:51:50PM 23       **maintenance road; is that right?**

01:51:51PM 24       **A. Yes, sir.**

01:51:52PM 25       **Q. Describe to me what happened after**  
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01:51:54PM 1 the impact, after you were thrown around. What  
01:51:56PM 2 happened next?  
  
A. **I got out of the RoGator, I guess I**  
01:51:57PM 3 **was then walking down to check and see if they**  
01:52:01PM 4 **were okay. I then heard screaming from the**  
01:52:08PM 5 **inside of the cab, so I picked up my pace**  
01:52:12PM 6 **considerably. By the time I got down there, the**  
01:52:15PM 7 **driver's side of the cab was essentially a wall**  
01:52:17PM 8 **of flame. So I went to the passenger side of the**  
01:52:21PM 9 **cab. That door, I believe, was pinned against a**  
01:52:26PM 10 **tree, so wasn't able to open. I assisted the**  
01:52:30PM 11 **young man out of the vehicle and then proceeded**  
01:52:33PM 12 **to pull the defendant out -- or whatever out of**  
01:52:39PM 13 **the vehicle.**

Q. I mean, how did -- if one side is pinned to a wall of fire, how did you -- what route did you get them out of the vehicle?

A. **The window. The passenger door window.**

Q. Okay. Was he unconscious at the time --

A. **Yes.**

Q. -- your understanding?

A. **He -- he was unconscious at the time of me climbing into the cab to pull him out, and**

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01:54:06PM 1 **so I was on the phone with Aaron and Bill.**  
01:54:11PM 2 Q. So Larry was -- he was driving the  
01:54:13PM 3 truck that was going to -- was supposed to fill  
01:54:17PM 4 up your vehicle with -- with a product?

A. **Yes, sir.**

Q. Okay. So the nurse was helping Mr. Gibson, the son was there, you were helping. Then once Larry arrived, you went over and told him what happened --

A. **Yes, sir.**

Q. -- and went from there. Okay. How long before any first responders arrived?

A. **Ten minutes, maybe.**

Q. What did you do during that ten minutes? Talk to the --

A. **Yes.**

Q. -- Co-Op people?

A. **Yes, sir.**

Q. What happened when the first responders arrived?

A. **I told them to check out the two -- to check out the two people in the semi because they seemed to require a lot more than I did.**

Q. What -- I assume you did sustain some injuries?

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01:53:01PM 1 **as I pulled him out, he started coming to -- or unresponsive I guess would be the proper term.**  
01:53:06PM 2 **I don't know if he was unconscious or not.**  
01:53:10PM 3 Q. Sure. He was -- he was -- okay. No.  
01:53:13PM 4 I understand.  
01:53:16PM 5 So it's your opinion the flames started  
01:53:21PM 6 pretty immediately upon impact?  
01:53:23PM 7 A. **I believe so.**  
01:53:25PM 8 Q. So did you pull him somewhere? What  
01:53:28PM 9 happened then?  
01:53:28PM 10 A. **Myself and the young man pulled him to the highway. At the time of the accident my phone was dead completely, so we then flagged down a car, thankfully, that was passing by at just the right time, had them call 911.**

Q. Okay. Did that person stick around, do you recall?

A. **Yes. I believe she was a nurse.**

Q. Okay. Did she render aid?

A. **I believe so.**

Q. What -- what were you doing at that time once she had arrived and she was rendering aid?

A. **I was assisting as best I could. And then Larry, the tender truck driver, had arrived**

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01:55:10PM 1 A. **Yes, sir.**  
01:55:10PM 2 Q. What -- what injuries did you sustain?  
01:55:11PM 3 A. **I sustained a laceration to my forehead. That was about it.**  
01:55:15PM 4 Q. Who was the first -- was -- was it an ambulance that arrived on the scene or who arrived on the scene first, do you know?  
01:55:21PM 5 A. **I believe it was either an ambulance or a patrol, maybe.**  
01:55:23PM 6 Q. Did you end up talking to any police officers?  
01:55:26PM 7 A. **I think I gave a statement.**  
01:55:29PM 8 Q. A written statement or a verbal statement?  
01:55:36PM 9 A. **A verbal.**  
01:55:39PM 10 Q. What do you recall telling them?  
01:55:41PM 11 A. **I was making a left turn. About half way through the left turn, I heard an air horn, pulled back on the throttle and braced.**  
01:55:45PM 12 Q. Is that the extent of what you recall telling them?  
01:55:49PM 13 A. **I believe so.**  
01:56:02PM 14 Q. Do you recall telling them that you were stopped before the turn?

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01:56:06PM 1 **A. I don't believe so.**

01:56:08PM 2 **Q. Did you end up being transported**

01:56:13PM 3 anywhere?

01:56:13PM 4 **A. Yes, sir.**

01:56:14PM 5 **Q. Where did you go to?**

01:56:14PM 6 **A. To Faith Regional Hospital in**

01:56:17PM 7 **Norfolk.**

01:56:17PM 8 **Q. Did you talk to Mr. Gibson or his son**

01:56:23PM 9 **at any point before they were transported?**

01:56:25PM 10 **A. Just seeing if they were okay.**

01:56:29PM 11 **Q. Did they -- let's talk about**

01:56:32PM 12 **Mr. Gibson, the adult. Did you -- do you recall**

01:56:34PM 13 **any specific statements that he made during that**

01:56:37PM 14 **time?**

01:56:37PM 15 **A. No, sir.**

01:56:37PM 16 **Q. What about the younger man, his son,**

01:56:40PM 17 **do you recall him making any specific statements**

01:56:42PM 18 **at that time?**

01:56:42PM 19 **A. No, sir.**

01:56:48PM 20 **Q. Okay. Is that RoGator, is that -- is**

01:56:50PM 21 **that a two-wheel steer or four-wheel steer?**

01:56:54PM 22 **A. Two-wheel.**

01:56:55PM 23 **Q. Is it only two-wheel or do you have**

01:56:56PM 24 **an option?**

01:56:57PM 25 **A. I believe it's only two-wheel.**

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01:56:59PM 1 **Q. Front wheel?**

01:57:01PM 2 **A. Yes, sir.**

01:57:01PM 3 **Q. Do you recall losing consciousness as**

01:57:24PM 4 **a result of the accident?**

01:57:24PM 5 **A. No, sir.**

01:57:25PM 6 **Q. As far as you know, was the only**

01:57:32PM 7 **people that actually witnessed the accident were**

01:57:34PM 8 **you and whoever was in Mr. Gibson's vehicle?**

01:57:37PM 9 **A. Yes, sir.**

01:57:38PM 10 **Q. You're not aware of any other people**

01:57:39PM 11 **that actually witnessed it?**

01:57:41PM 12 **A. No, sir.**

01:57:46PM 13 **MR. BOYD: Okay. Okay. Let's take**

01:57:47PM 14 **a short break.**

02:07:33PM 15 **(A short recess was taken.)**

02:07:33PM 16 **Q. Back on the record.**

02:07:36PM 17 **Okay. A couple more follow-up from what we**

02:07:41PM 18 **were talking about prior to the accident.**

02:07:44PM 19 **So you had mentioned that you were stopped**

02:07:47PM 20 **or two miles an hour, partially on the right**

02:07:51PM 21 **shoulder, while you were kind of deciding where**

02:07:55PM 22 **you wanted to load at?**

02:07:56PM 23 **A. Yes, sir.**

02:07:56PM 24 **Q. Did you notice the hill behind you**

02:07:59PM 25 **before you started to make your turn?**

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02:08:01PM 1 **A. Yes, sir.**

02:08:02PM 2 **Q. You mentioned earlier that the hill**

02:08:06PM 3 **kind obstructed your view?**

02:08:08PM 4 **A. Yes, sir.**

02:08:09PM 5 **Q. Did that concern you when you were**

02:08:10PM 6 **trying to decide where you wanted to turn at?**

02:08:14PM 7 **A. A little bit, yes.**

02:08:15PM 8 **Q. Why is that?**

02:08:16PM 9 **A. The fear of the unknown.**

02:08:20PM 10 **Q. Because if you start making your**

02:08:22PM 11 **turn, you don't know if there's somebody coming**

02:08:26PM 12 **right over that hill?**

02:08:27PM 13 **A. Yes, sir.**

02:08:27PM 14 **Q. Is there a reason that you didn't**

02:08:29PM 15 **choose to instead keep going straight to the next**

02:08:32PM 16 **exit?**

02:08:33PM 17 **A. Yes.**

02:08:34PM 18 **Q. I understand hindsight is 20/20, but**

02:08:38PM 19 **was there any reason?**

02:08:38PM 20 **A. Part of it would have been**

02:08:42PM 21 **convenience, and traveling on a road with a load**

02:08:47PM 22 **becomes a lot more dangerous because you're top**

02:08:50PM 23 **heavy, and the field entrance would have been**

02:08:52PM 24 **right north of the tree line, so it would have**

02:08:56PM 25 **been considerably closer to come from the south**

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02:08:59PM 1 **than from the north.**

02:08:59PM 2 **Q. So if you were in the road and you**

02:09:02PM 3 **wanted to -- you wouldn't have very far to travel**

02:09:05PM 4 **to where you needed to go?**

02:09:06PM 5 **A. No, sir.**

02:09:08PM 6 **Q. So those considerations sort of**

02:09:11PM 7 **justified turning when you may not have otherwise**

02:09:16PM 8 **wanted to turn in that location?**

02:09:17PM 9 **A. Yes, sir.**

02:09:30PM 10 **Q. I think you mentioned in your**

02:09:31PM 11 **interrogatory answers that you may have taken**

02:09:34PM 12 **some medications prior to the accident?**

02:09:35PM 13 **A. I -- I know around that time I cycled**

02:09:40PM 14 **off of them.**

02:09:41PM 15 **Q. Okay. And which medications were**

02:09:42PM 16 **those?**

02:09:42PM 17 **A. I believe Abilify and Lexapro.**

02:09:46PM 18 **Q. So you may have taken it around that**

02:09:50PM 19 **time, but you don't specifically recall?**

02:09:51PM 20 **A. Yes.**

02:09:52PM 21 **Q. Is it your understanding that you**

02:09:54PM 22 **were okay to drive when you were taking those?**

02:09:54PM 23 **A. Yes, sir.**

02:09:55PM 24 **Q. They didn't have any negative effect**

02:09:57PM 25 **on your ability to drive, to your understanding?**

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02:09:58PM 1 **A. No, sir.**

02:09:59PM 2 Q. Okay. Did you ever notify the Co-Op

02:10:08PM 3 that you were taking those medications?

02:10:11PM 4 **A. I believe so.**

02:10:11PM 5 Q. Did they ask you or did you

02:10:13PM 6 voluntarily disclose it?

02:10:15PM 7 **A. I voluntarily disclosed it.**

02:10:17PM 8 Q. Any alcohol in the 24 hours before

02:10:20PM 9 the accident?

02:10:20PM 10 **A. No.**

02:10:20PM 11 Q. Any drugs of any kind --

02:10:21PM 12 **A. No.**

02:10:22PM 13 Q. -- prior to the accident? You

02:10:25PM 14 talked about your cell phone already. You say it

02:10:28PM 15 actually wasn't -- wasn't charged, wasn't working

02:10:30PM 16 at the time of the accident?

02:10:30PM 17 **A. I believe so.**

02:10:31PM 18 Q. Was it just not plugged in or what

02:10:35PM 19 was -- what was the issue?

02:10:36PM 20 **A. The battery was dead, I believe,**

02:10:39PM 21 **because I wanted to call 911 and my phone was**

02:10:43PM 22 **just a black screen.**

02:10:44PM 23 Q. The one time you need it.

02:10:47PM 24 **A. Yeah.**

02:10:48PM 25 Q. I remember when I was in an accident

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02:10:52PM 1 and trying to dial 911 after that is the hardest

02:10:58PM 2 thing. I dialed 9110, and then you don't know

02:11:00PM 3 how to delete it, and then you're just -- the one

02:11:02PM 4 time you need to call someone.

02:11:10PM 5 You weren't disciplined at all by the Co-Op

02:11:12PM 6 for anything regarding the accident, right?

02:11:14PM 7 **A. No, sir.**

02:11:14PM 8 (Deposition Exhibit Number 7 was

02:11:15PM 9 marked for identification.)

02:11:15PM 10 Q. Handing you Exhibit No. 7, these are

02:12:05PM 11 some photographs. Do you recognize what these

02:12:08PM 12 photographs are depicting?

02:12:12PM 13 **A. It looks like the RoGator I was**

02:12:13PM 14 **operating on that day.**

02:12:14PM 15 Q. And this appears to be photographs

02:12:16PM 16 taken after the accident, kind of the area around

02:12:19PM 17 the accident?

02:12:20PM 18 **A. Yes.**

02:12:21PM 19 Q. On the very first page I see a piece

02:12:22PM 20 of equipment on the side of the road. Is that

02:12:25PM 21 the piece of equipment that was going to load up

02:12:28PM 22 your vehicle with product?

02:12:28PM 23 **A. You're talking on the right side of**

02:12:31PM 24 **the road?**

02:12:31PM 25 Q. Right, yes.

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02:12:32PM 1 **A. Yes, that would be the vehicle that**

02:12:33PM 2 **would be loading me.**

02:12:35PM 3 Q. Okay. Is that the location of where

02:12:38PM 4 the vehicle was going to be based on what your

02:12:41PM 5 understanding was?

02:12:41PM 6 **A. Yes.**

02:12:43PM 7 Q. How did you -- how did they know

02:12:44PM 8 where you were going to be?

02:12:46PM 9 **A. So, how that would work would be,**

02:12:52PM 10 **like as the tender truck driver, they would see**

02:12:55PM 11 **myself and get in position or get close enough to**

02:13:00PM 12 **position to where I could wiggle underneath.**

02:13:03PM 13 Q. So they didn't know exactly where you

02:13:05PM 14 were going to be, they kind of drive down the

02:13:07PM 15 road and look for you?

02:13:08PM 16 **A. Yes, sir.**

02:13:09PM 17 Q. Okay. Got it.

02:13:39PM 18 (Deposition Exhibit Number 8 was

02:13:40PM 19 marked for identification.)

02:13:40PM 20 Q. Handing you Exhibit No. 8, these are

02:13:43PM 21 more photographs that were produced. Are these

02:13:45PM 22 photographs from inside that RoGator?

02:13:47PM 23 **A. Yes, sir.**

02:13:48PM 24 Q. Okay. And looks like these aren't

02:13:51PM 25 from the time of the accident. Do you know when

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02:13:54PM 1 these pictures were taken?

02:13:55PM 2 **A. This might not specifically be that**

02:13:57PM 3 **RoGator, because I see a boom, so --**

02:14:03PM 4 Q. Okay.

02:14:05PM 5 **A. It's either that RoGator at a**

02:14:09PM 6 **different time or a very similar design, like,**

02:14:14PM 7 **because I think the Co-Op had three RoGators.**

02:14:19PM 8 Q. Okay. The piece of equipment in the

02:14:20PM 9 very first page, that kind of display, what is

02:14:22PM 10 that piece of equipment?

02:14:24PM 11 **A. That would be the GPS monitor and**

02:14:27PM 12 **mapping system.**

02:14:28PM 13 Q. Okay. And that was in the RoGator at

02:14:31PM 14 the time of the accident or a similar one was?

02:14:32PM 15 **A. Yes.**

02:14:33PM 16 Q. What's the second page? What's that

02:14:36PM 17 showing us?

02:14:36PM 18 **A. That would be if you were using the**

02:14:38PM 19 **GPS guidance or even not, it will tell you, okay,**

02:14:44PM 20 **this is the path you kind of need to go down.**

02:14:48PM 21 **There's a green light in the middle and then as**

02:14:52PM 22 **you get further out it turns red.**

02:14:54PM 23 Q. Okay. How about the third page? Do

02:14:57PM 24 you know what that would be?

02:14:58PM 25 **A. The third page would be -- it looks**

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02:15:00PM 1 **like the gearshift and rpms.**

02:15:11PM 2 Q. So is that 3399 on it?

02:15:16PM 3 A. **Yes.**

02:15:17PM 4 Q. Okay. So explain to me what exactly that is.

02:15:18PM 5 A. **I believe that is the rpms of the motor.**

02:15:23PM 8 Q. Oh, okay. And what about the last page, what are we looking at there?

02:15:27PM 10 A. **That would be the controlling -- like to control how much product was being applied and then your regular dashboard gauges --**

02:15:31PM 13 Q. Okay.

02:15:41PM 14 A. **-- behind there.**

02:15:42PM 15 Q. Got it. Once again, you're the expert. I'm trying to figure out what's going on.

02:15:47PM 17 It's my understanding that the RoGator has since been destroyed. Do you have any knowledge of what happened to that RoGator after the accident?

02:16:05PM 21 A. **I believe they repaired it and then the tornado finished -- took it out again.**

02:16:14PM 23 Q. In 2014?

02:16:18PM 25 A. **I believe so.**

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02:16:18PM 1 Q. Did you work for the Co-Op then?

02:16:20PM 2 A. **No, sir. Well, I worked for a Co-Op**

02:16:24PM 3 **then.**

02:16:24PM 4 Q. But not -- not the defendant Co-Op?

02:16:28PM 5 A. **Yes.**

02:16:29PM 6 Q. Okay. So it's your understanding the RoGator was basically destroyed in that tornado?

02:16:35PM 7 A. **Yes, sir.**

02:16:39PM 8 Q. Okay. Were you aware of any mechanical problems with the RoGator prior to the accident?

02:16:45PM 10 A. **No, sir.**

02:16:49PM 12 Q. You had inspected the RoGator periodically yourself?

02:16:52PM 14 A. **Yes, sir.**

02:16:53PM 15 Q. And as far as you knew it was in good working order?

02:16:56PM 17 A. **Yes.**

02:16:57PM 18 Q. Do you use any form of social media?

02:17:11PM 19 Have you used any form of social media -- for example, Facebook, Instagram, Tumbler?

02:17:14PM 20 A. **Yes.**

02:17:20PM 23 Q. What type of social media have you used in the past?

02:17:22PM 24 A. **Twitter, Facebook and Reddit.**

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02:17:29PM 1 Q. Did you use those at the time of the accident or around that time?

02:17:32PM 2 A. **Yes. Not Reddit. Reddit has been within the last year or so.**

02:17:39PM 5 Q. Okay. Do you recall posting anything on Facebook regarding the accident?

02:17:42PM 6 A. **No, sir.**

02:17:45PM 8 Q. Do you recall posting anything on Twitter about the accident?

02:17:48PM 9 A. **I -- I do not, but I was shown a picture of a screen shot or tweet I posted about being hit by a semi.**

02:17:53PM 11 (Deposition Exhibit Number 9 was marked for identification.)

02:18:13PM 13 Q. Okay. Handing you Exhibit No. 9, do you recognize Exhibit No. 9?

02:18:28PM 15 A. **Yes, sir.**

02:18:28PM 18 Q. What do you recognize that as?

02:18:30PM 19 A. **My Twitter page.**

02:18:31PM 20 Q. So your Twitter -- Twitter account handle is BriesonJ?

02:18:34PM 21 A. **I believe so.**

02:18:37PM 22 Q. Okay. When is the last time you posted to your Twitter account?

02:18:42PM 24 A. **I -- two, three years ago. I --**

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02:18:48PM 1 Q. Not -- not recently?

02:18:49PM 2 A. **No, sir.**

02:18:50PM 3 Q. It looks to me like on the very front page of this, it shows tweets from June 25th, 2013, until September 7th, 2013. Is that what -- would you agree with that?

02:18:56PM 4 A. **Yes, sir.**

02:19:04PM 5 Q. The -- are these all tweets that you yourself, made?

02:19:07PM 6 A. **I would say, yes.**

02:19:08PM 7 Q. Looks like the second from the bottom states: Lessons learned this week. Semis hurt and I may be immortal. Is that in reference to this accident?

02:19:15PM 8 A. **I believe so, yes.**

02:19:19PM 9 Q. What were you referring to when you made that?

02:19:20PM 10 A. **Being hit by a semi and the fact that in all likelihood the machine probably should have rolled in the collision from what I've heard.**

02:19:37PM 15 Q. Your RoGator?

02:19:39PM 16 A. **Yes.**

02:19:40PM 17 Q. But it didn't?

02:19:40PM 18 A. **No, thankfully.**

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02:20:15PM 1 Q. Are any of the other tweets regarding  
02:20:19PM 2 the accident?  
02:20:19PM 3 A. **No, sir.**  
02:20:21PM 4 Q. They're all tweets you made but  
02:20:23PM 5 nothing with regard to the accident?  
02:20:26PM 6 A. **I believe so, yes.**  
02:20:36PM 7 Q. All right. Let's talk about legal  
02:20:37PM 8 history. We talked about the DUI before. Other  
02:20:43PM 9 than that DUI, have you ever been guilty or pled  
02:20:48PM 10 guilty to any type of a crime?  
02:20:50PM 11 A. **Yes, sir.**  
02:20:50PM 12 Q. Let's start with the earliest.  
02:20:52PM 13 What's the first -- earliest one that you recall?  
02:20:54PM 14 A. **I believe failure to stop at a stop  
sign and too many people in the vehicle in the  
first six months of a provisional operator's  
permit.**  
02:21:06PM 18 Q. Is that after you turned 16?  
02:21:13PM 19 A. **Yes, sir.**  
02:21:14PM 20 Q. And those were restrictions on your  
02:21:18PM 21 license at that time?  
02:21:18PM 22 A. **Yes.**  
02:21:19PM 23 Q. How many people could you have in the  
02:21:22PM 24 car?  
02:21:22PM 25 A. **In the first six months, one person.**  
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02:22:38PM 1 A. **A minor in possession.**  
02:22:42PM 2 Q. What date or time?  
02:22:43PM 3 A. **I believe I was charged in January  
and then convicted sometime in April -- March or  
April.**  
02:22:52PM 6 Q. Of which year?  
02:22:54PM 7 A. **Of 2013, both of those.**  
02:22:58PM 8 Q. So maybe -- did your DUI plea have--  
02:23:01PM 9 kind of also deal with the MIP plea?  
02:23:05PM 10 A. **No.**  
02:23:05PM 11 Q. They were separate?  
02:23:07PM 12 A. **They were separate occasions.**  
02:23:08PM 13 Q. And you were sentenced in 2013?  
02:23:09PM 14 A. **Yes.**  
02:23:09PM 15 Q. April of 2013?  
02:23:10PM 16 A. **Yes.**  
02:23:11PM 17 Q. Okay. Okay. What else?  
02:23:13PM 18 A. **Another minor in possession in June  
or July of 2013, and I believe convicted in  
August of 2013.**  
02:23:21PM 21 Q. Was there a sentence or penalty  
02:23:34PM 22 associated with that?  
02:23:35PM 23 A. **I was charged with a third offense  
MIP, and I chose to -- it was my DUI. Instead of  
paying -- I think it was like a thousand bucks a**  
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02:21:24PM 1 **One person outside the immediate family, I  
believe.**  
02:21:27PM 3 Q. Hopefully I complied with that. All  
02:21:31PM 4 right. Okay. Where was that -- where was that  
02:21:34PM 5 at?  
02:21:34PM 6 A. **West Point, Nebraska.**  
02:21:36PM 7 Q. Did you -- you didn't live in West  
02:21:41PM 8 Point, did you?  
02:21:42PM 9 A. **I lived 15 miles west of there.**  
02:21:45PM 10 Q. Okay. So failure to stop, too many  
02:21:47PM 11 people. What's the next criminal -- or citation  
02:21:53PM 12 that you recall?  
02:21:53PM 13 A. **A speeding ticket in June of 2010 or  
11, maybe.**  
02:22:00PM 14 Q. How fast were you speeding, do you  
02:22:04PM 16 recall?  
02:22:04PM 17 A. **75.**  
02:22:05PM 18 Q. And in what zone?  
02:22:07PM 19 A. **In a 50.**  
02:22:10PM 20 Q. What's the next one you recall?  
02:22:13PM 21 A. **I think that would be the DUI.**  
02:22:20PM 22 Q. And when was that, again?  
02:22:23PM 23 A. **I was charged with it November 11,  
2012, and convicted in April 1st, 2013.**  
02:22:25PM 24 Q. Okay. Any other criminal --  
02:22:32PM 25 THIBAULT, SUHR & THIBAULT, INC.  
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02:23:53PM 1 A. **month for an alcohol monitor, I chose the jail  
time.**  
02:23:56PM 2 Q. You said it was a third offense.  
02:23:58PM 3 Was there -- were there two prior MIPs?  
02:24:00PM 4 A. **The judge counted the DUI as a MIP.**  
02:24:03PM 5 Q. Got it. Because you were underage.  
02:24:08PM 6 Got it. How long did you have to serve for that?  
02:24:10PM 7 A. **Seven days -- ten days.**  
02:24:13PM 8 Q. Okay. Any other criminal or citation  
02:24:20PM 9 matters?  
02:24:25PM 10 A. **A speeding ticket in April 2014.**  
02:24:25PM 11 Q. Do you recall how fast -- how fast  
02:24:33PM 12 the violation was?  
02:24:35PM 13 A. **No, sir. And then a speeding ticket  
in October of 2015.**  
02:24:39PM 15 Q. Do you recall how fast that one was?  
02:24:45PM 16 A. **77 miles an hour in a 60.**  
02:24:48PM 17 Q. Okay. Anything else you recall?  
02:24:53PM 18 A. **No, sir.**  
02:24:55PM 19 Q. Were all the incidents that occurred  
02:25:11PM 21 before the accident we're talking about, did you  
02:25:17PM 22 ever notify the Co-Op of any of these citations  
02:25:21PM 23 or criminal matters?  
02:25:22PM 24 A. **I notified the Co-Op of the DUI  
because I had to make time for probation and**  
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02:25:34PM 1 **such, and I believe I notified them of my past**  
 02:25:37PM 2 **driving record.**

02:25:38PM 3 Q. Do you -- how do you recall notifying  
 02:25:40PM 4 them of that, verbally or show them something  
 02:25:44PM 5 else?

02:25:44PM 6 **A. I'm 99 percent sure I did it verbally**  
 02:25:47PM 7 **and then 80 percent positive I did it written**  
 02:25:52PM 8 **out.**

02:25:53PM 9 Q. Do you think the verbal discussion  
 02:25:57PM 10 was during an interview? When do you think that  
 02:26:00PM 11 was?

02:26:00PM 12 **A. Yes, I believe it took place during**  
 02:26:02PM 13 **the interview.**

02:26:03PM 14 Q. You have a recollection you told the  
 02:26:04PM 15 Co-Op about your prior driving history at the  
 02:26:07PM 16 time you were interviewing for your first  
 02:26:09PM 17 position there?

02:26:09PM 18 **A. Yes, sir.**

02:26:10PM 19 Q. Did they ask you about it or did you  
 02:26:14PM 20 voluntarily disclose it?

02:26:15PM 21 **A. I voluntarily disclosed it.**

02:26:17PM 22 Q. And when you were talking about your  
 02:26:19PM 23 prior driving history, do you think you listed  
 02:26:21PM 24 all the prior speeding tickets and citations and  
 02:26:25PM 25 criminal matters or did you only list some of

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02:27:50PM 1 Q. And then we have the October 22nd,  
 02:27:54PM 2 2011, citation for speeding for 11 to 15 miles an  
 02:27:57PM 3 hour?

02:27:57PM 4 **A. Yes, sir.**

02:27:58PM 5 Q. Sound right?

02:27:59PM 6 **A. Now that I think about it, yes.**

02:28:01PM 7 Q. Okay. And I've got October 13th,  
 02:28:04PM 8 2012 --

02:28:04PM 9 **A. Yeah, I forgot about that one.**

02:28:06PM 10 Q. I have that for careless driving.

02:28:08PM 11 What was -- what was the situation there?

02:28:10PM 12 **A. I was coming back from an event in**  
 02:28:15PM 13 **Oklahoma and I fell asleep behind the wheel. I**  
 02:28:19PM 14 **ended up rolling my vehicle. I lost my phone in**  
 02:28:24PM 15 **the rollover. I was probably 10 or 15 miles from**  
 02:28:33PM 16 **Lincoln. I tried to drive it towards Lincoln.**  
 02:28:37PM 17 **I -- the vehicle was rendered inoperable in the**  
 02:28:43PM 18 **roll. It still moved, but not well, and then I**  
 02:28:48PM 19 **placed it off to the shoulder on a gravel road**  
 02:28:51PM 20 **and walked the rest of the distance and the cop**  
 02:28:56PM 21 **charged me with careless driving.**

02:28:58PM 22 Q. Okay. Then I have a November 11,  
 02:29:03PM 23 2012, DUI. We've already talked about that.

02:29:05PM 24 **A. Yes, sir.**

02:29:06PM 25 Q. I have a January 26, 2013, MIP. We  
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02:26:27PM 1 them?

02:26:27PM 2 **A. I believe I listed all of them.**

02:26:29PM 3 Q. You said you are 80 percent sure that  
 02:26:36PM 4 you also filled out paperwork that listed  
 02:26:38PM 5 citations?

02:26:39PM 6 **A. Yes, sir.**

02:26:59PM 7 Q. I haven't -- in my research I saw an  
 02:27:07PM 8 October 22nd, 2011, speeding ticket for 11 to  
 02:27:10PM 9 15 miles an hour. Does that ring a bell?

02:27:15PM 10 **A. Yeah, that sounds --**

02:27:18PM 11 Q. It probably happened, you just don't  
 02:27:19PM 12 recall?

02:27:20PM 13 **A. It might have been, yeah, that --**

02:27:24PM 14 Q. Okay. Maybe it will be easier, I'm  
 02:27:28PM 15 going to go down a list of the ones that I've got  
 02:27:31PM 16 and let me know if you recall them enough to make  
 02:27:33PM 17 sure my records are right.

02:27:35PM 18 So I've got a March 12th, 2010, citation for  
 02:27:40PM 19 violating a stop sign and violating the terms of  
 02:27:42PM 20 your driver's license.

02:27:43PM 21 **A. Yes.**

02:27:44PM 22 Q. We talked about that one. And I've  
 02:27:46PM 23 got a July 31st, 2010, speeding ticket for 11 to  
 02:27:49PM 24 15 miles an hour.

02:27:49PM 25 **A. Yes, sir.**

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02:29:09PM 1 talked about that.

02:29:10PM 2 **A. Yes, sir.**

02:29:11PM 3 Q. Your driver's license was suspended  
 02:29:20PM 4 for 60 days as a result of that DUI. Does that  
 02:29:22PM 5 sound right?

02:29:23PM 6 **A. Yes, sir. With the ignition**  
 02:29:27PM 7 **interlock gave me the right to drive, only with**  
 02:29:31PM 8 **the interlock, itself.**

02:29:33PM 9 Q. After that 60-day period?

02:29:34PM 10 **A. During that 60-day period.**

02:29:39PM 11 Q. And then I have a June 7th, 2013,  
 02:29:42PM 12 MIP. We talked about that.

02:29:44PM 13 **A. Yes, sir.**

02:29:44PM 14 Q. And then I have a June 19th, 2013,  
 02:29:50PM 15 stop sign violation. Do you recall that?

02:29:53PM 16 **A. Yes.**

02:30:00PM 17 Q. That was only about one week before  
 02:30:03PM 18 this accident; is that right?

02:30:04PM 19 **A. Yes, sir.**

02:30:04PM 20 Q. Ever been involved in any other  
 02:30:08PM 21 criminal matters or traffic tickets or traffic  
 02:30:12PM 22 violations that I didn't list?

02:30:13PM 23 **A. There was a civil dispute when I was**  
 02:30:19PM 24 **in junior high.**

02:30:20PM 25 Q. Okay. And what was that regarding,  
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02:30:23PM 1 kind of generally?

02:30:24PM 2 **A. A protection order.**

02:30:28PM 3 Q. Did you violate a protection order?

02:30:31PM 4 **A. No.**

02:30:31PM 5 Q. I guess give me a little bit of

02:30:34PM 6 background.

02:30:34PM 7 **A. Looking back, I view it as a family**

02:30:41PM 8 **was trying to get money from the school and they**

02:30:44PM 9 **claimed I was bullying their child.**

02:30:50PM 10 Q. I take it that was middle school?

02:30:52PM 11 **A. Yeah.**

02:30:54PM 12 Q. Any other criminal matters or traffic

02:30:56PM 13 citations that we haven't discussed?

02:30:58PM 14 **A. Not that I believe.**

02:30:59PM 15 Q. Okay. Any motor vehicle accidents

02:31:04PM 16 other than the June 26, 2013, accident that

02:31:07PM 17 you've been involved in?

02:31:08PM 18 **A. The -- the careless driving evening**

02:31:11PM 19 **and that was it.**

02:31:12PM 20 Q. And that was just a one -- one

02:31:13PM 21 vehicle accident?

02:31:14PM 22 **A. Yes, sir.**

02:31:15PM 23 Q. Okay. Any other civil non-criminal

02:31:18PM 24 lawsuits you've been in besides this one?

02:31:21PM 25 **A. Except for that protection order, no.**

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102

02:31:23PM 1 Q. Okay. Are you aware of any

02:31:55PM 2 obligation when you're in a slow moving vehicle

02:32:01PM 3 to drive on the shoulder as opposed to in the

02:32:03PM 4 main lane of traffic?

02:32:04PM 5 **A. I am not.**

02:32:25PM 6 (Deposition Exhibit Number 10 was

02:32:26PM 7 marked for identification.)

02:32:29PM 8 Q. I'm going to mark that for the

02:32:32PM 9 record. Just take a second to read -- read over

02:32:34PM 10 that statute and let me know if you're -- when

02:32:37PM 11 you're done looking through it.

02:32:54PM 12 **A. I've read through it.**

02:32:56PM 13 Q. Okay. So it's your understanding

02:33:00PM 14 there's no obligation for you to drive a slow

02:33:05PM 15 moving vehicle or piece of farm equipment on the

02:33:07PM 16 shoulder as opposed to the main road?

02:33:10PM 17 MR. GOYETTE: I'll object to the

02:33:11PM 18 form of the question. It asks for a legal

02:33:14PM 19 conclusion. You can go ahead and answer if

02:33:16PM 20 you're able.

02:33:17PM 21 **A. The -- the way I understand it is you**

02:33:24PM 22 **are, I guess, encouraged when you're slowing down**

02:33:31PM 23 **the flow of traffic to find a place to edge off**

02:33:37PM 24 **and --**

02:33:37PM 25 Q. So what was your normal -- normal

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02:33:39PM 1 course of conduct when you were driving the

02:33:41PM 2 RoGator on the highway? Did you always drive in

02:33:43PM 3 the middle of the road? Did you always drive to

02:33:45PM 4 the side of the road? Or how did you decide

02:33:48PM 5 where to drive?

02:33:48PM 6 **A. If there was a vehicle behind me, I**

02:33:51PM 7 **would then shoulder and slow down and let them**

02:33:56PM 8 **pass.**

02:33:58PM 9 Q. I think you also mentioned earlier if

02:34:00PM 10 there's a large truck coming towards you, you

02:34:03PM 11 might veer over to give them room also?

02:34:05PM 12 **A. Yes, sir.**

02:34:06PM 13 Q. But otherwise, outside of when

02:34:08PM 14 there's someone directly behind you or someone

02:34:09PM 15 coming towards you, you're driving in the middle

02:34:12PM 16 of the road?

02:34:12PM 17 **A. Yes, sir.**

02:34:15PM 18 Q. Okay. Are you aware of any minimum

02:34:18PM 19 speed requirements when you're driving on any

02:34:21PM 20 road?

02:34:22PM 21 **A. There are minimum speed requirements,**

02:34:24PM 22 **but I don't believe there were any for the roads**

02:34:27PM 23 **I was operating on.**

02:34:28PM 24 Q. And what do you base that on?

02:34:29PM 25 **A. That there was no minimum speed limit**

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104

02:34:33PM 1 **sign posted below the speed limit sign.**

02:34:37PM 2 Q. What was the speed limit on that

02:34:39PM 3 road, do you know?

02:34:39PM 4 **A. I think it was 60.**

02:34:43PM 5 Q. Do you recall on the RoGator, on the

02:34:48PM 6 day of the accident, was there a -- like an

02:34:50PM 7 orange triangle in the back of it?

02:34:52PM 8 **A. There may have been. I know a week**

02:34:58PM 9 **earlier it had fallen off, and I used baling wire**

02:35:03PM 10 **to put a new one on.**

02:35:05PM 11 Q. Sorry, what did you just say?

02:35:07PM 12 **A. A week -- a week earlier it had**

02:35:10PM 13 **fallen off and I was using ten-gauge wire to hold**

02:35:13PM 14 **one on.**

02:35:13PM 15 Q. Okay. So it fell off, but you put it

02:35:16PM 16 back on using some wire?

02:35:18PM 17 **A. Yes, sir.**

02:35:19PM 18 Q. Do you recall if it was on the

02:35:21PM 19 RoGator at the time of the accident?

02:35:23PM 20 **A. I'm not sure, sir.**

02:35:25PM 21 Q. You don't specifically have a

02:35:37PM 22 recollection one way or the other?

02:35:38PM 23 **A. No, sir.**

02:36:29PM 24 Q. Okay. Who's Bill Anderson? Have we

02:36:31PM 25 talked about him?

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02:36:31PM 1 **A. Bill Anderson would be the manager of the Winside location.**

02:36:34PM 2 Q. And was that the primary location you worked out of?

02:36:38PM 3

02:36:39PM 4

02:36:41PM 5 **A. I worked out of the Pilger location.**

02:36:46PM 6 Q. But on the -- on the day of the accident you were working closer to the Winside location?

02:36:48PM 7

02:36:49PM 8 **A. Yes, sir.**

02:36:49PM 9 Q. Okay. Would you consider him kind of your supervisor that day?

02:36:53PM 10 **A. Yes, sir.**

02:36:55PM 11 Q. Who's Dave Hansen?

02:37:05PM 12 **A. Dave Hansen would be -- I believe he's kind of like the yard manager, or was.**

02:37:09PM 13 Q. Larry Ritz -- Ritze. Was that your trainer?

02:37:20PM 14 **A. No.**

02:37:20PM 15 Q. Larry was the guy that was going to load you up?

02:37:24PM 16 **A. Yes.**

02:37:25PM 17 Q. Okay. Ryan Kruger?

02:37:28PM 18 **A. Kruger, that would be --**

02:37:29PM 19 Q. That's the trainer?

02:37:30PM 20 **A. Yes.**

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02:38:06PM 1 MR. BOYD: Okay. We'll take --

02:38:07PM 2 we'll go off the record.

02:38:09PM 3 MR. GOYETTE: Sure.

02:38:10PM 4 MR. BOYD: Take a break.

02:38:12PM 5 (A short recess was taken.)

02:42:33PM 6 MR. BOYD: We'll go back on the record.

02:42:35PM 7

02:42:35PM 8 Q. Just a couple final questions here. Thinking back to your training at the Co-Op when you were learning how to drive -- kind of drive and operate the RoGator, did they -- did Co-Op or your trainer ever give you any rules or guidance on how to choose where to load up and get your product filled on the vehicle?

02:42:43PM 9

02:42:48PM 10 **A. Not really.**

02:42:52PM 11 Q. Did they ever give you guidance or training or rules on making turns using the RoGator?

02:42:55PM 12 **A. Follow the rules of the road.**

02:43:01PM 13 Q. Other than that, nothing more specific than that that you recall?

02:43:06PM 14 **A. After the accident I was given advice on how to do it better in the future.**

02:43:07PM 15 Q. What was that advice?

02:43:13PM 16 **A. For a left-hand turn to -- if no**

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02:43:31PM 1 **vehicles are coming, instead of starting from the right lane, to shift over to the left lane and then do your turn.**

02:43:34PM 2 Q. And why is that a good idea?

02:43:37PM 3 **A. It just prevents people from, like, coming over a hill and going, oh, crap, and hitting you in the process of the turn.**

02:43:38PM 4 Q. That's a way you can position the vehicle to make a quick turn?

02:43:54PM 5 **A. Yes.**

02:43:57PM 6 Q. And that -- and you didn't follow those kind of guidelines in this incident?

02:43:59PM 7 **A. That -- that advice came after.**

02:44:02PM 8 Q. Sure. But looking back, if you could do it over again, you would have kind of moved to the left?

02:44:09PM 9 **A. Yes, sir.**

02:44:20PM 10 Q. Any other specific items on operating the RoGator near hills?

02:44:23PM 11 **A. Not that I recall.**

02:44:28PM 12 Q. What about the steps to take leading up to a turn, did they give you any specific guidance on that besides follow the rules of the road?

02:44:30PM 13 **A. No, sir.**

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02:44:42PM 1 MR. BOYD: I don't have any other questions.

02:44:43PM 2

02:44:44PM 3 MR. GOYETTE: Mr. Jensen, I don't

02:44:47PM 4 have any questions for you today. Nebraska law

02:44:49PM 5 provides that you can read your deposition after

02:44:53PM 6 it's been transcribed and make certain types of

02:44:56PM 7 changes. We've been going for a little bit. I'm

02:44:59PM 8 going to recommend to you that you exercise your

02:45:00PM 9 right to read and sign.

02:45:00PM 10 THE WITNESS: Okay.

02:45:01PM 11 (The deposition was concluded at

02:45:01PM 12 the hour of 2:45 p.m.)

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## 1 J U R A T

3 I, BRIESON JENSEN, do hereby state under  
 4 oath that I have read the above and foregoing  
 5 deposition in its entirety and that the same is a  
 6 full, true, and correct transcription, with my  
 7 noted corrections, if any, of my testimony so given  
 8 at said time and place.

10 \_\_\_\_\_  
 11 (Deponent's signature)

12 \_\_\_\_\_  
 13 (Date)

14 STATE OF NEBRASKA )  
 15 ) ss.

16 COUNTY OF CUMING )

17 Subscribed and sworn to before me on  
 18 this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

21 GENERAL NOTARY PUBLIC

22 THIBAULT, SUHR & THIBAULT, INC.  
 23 Omaha, Nebraska (402) 331-2500

24 111 IN THE UNITED STATES DISTRICT COURT  
 25 FOR THE DISTRICT OF NEBRASKA

1 GARY GIBSON, JR., and SHAWNA )  
 2 GIBSON, husband and wife, ) No. 8:16-cv-296  
 3 )  
 4 Plaintiffs, )  
 5 )  
 6 v. )  
 7 BRIESON JENSEN and FARMERS ) CERTIFICATE OF  
 8 CO-OPERATIVE, ) REPORTER  
 9 )  
 10 Defendants. )

11 I, Alvin J. Thibault, RPR, CSR and General  
 12 Notary Public, do hereby certify that I served as  
 13 the Court Reporter at the deposition of BRIESON  
 14 JENSEN on December 15, 2016 at Fraser Stryker,  
 15 500 Energy Plaza, 409 South 17th Street, Omaha,  
 16 Nebraska in which the costs of reporting and  
 17 transcribing the deposition were \$ \_\_\_\_\_, and  
 18 that such costs are to be paid by counsel for the  
 19 plaintiffs.

20 I further certify that the original and  
 21 copies were sent to: Original and 1 copy to  
 22 Mr. Alexander D. Boyd, 1 copy to Mr. Randall L.  
 23 Goyette.

24 Dated this 20th day of December, 2016.

25 \_\_\_\_\_  
 1 GENERAL NOTARY PUBLIC

2 Alvin J. Thibault, RPR  
 3 Thibault, Suhr & Thibault, Inc.  
 4 6818 Grover Street  
 5 Omaha, Nebraska 68106  
 6 (402) 331-2500

7 THIBAULT, SUHR & THIBAULT, INC.  
 8 Omaha, Nebraska (402) 331-2500

## 1 - C E R T I F I C A T E -

2 STATE OF NEBRASKA )  
 3 ) ss.  
 4 COUNTY OF DOUGLAS )

5 I, Alvin J. Thibault, RPR, CSR, and  
 6 General Notary Public in and for the State of  
 7 Nebraska, do hereby certify that BRIESON JENSEN was  
 8 by me duly sworn to testify the truth, the whole  
 9 truth and nothing but the truth, and that the  
 10 deposition by him as above set forth was reduced to  
 11 writing by me.

12 That the within and foregoing deposition  
 13 was taken by me at the time and place herein  
 14 specified and in accordance with the within  
 15 stipulations, the reading and signing of the  
 16 witness to his deposition having not been waived.

17 That I am not counsel, attorney, or  
 18 relative of either party or otherwise interested in  
 19 the event of this suit.

20 IN TESTIMONY WHEREOF, I have placed my  
 21 hand and notarial seal this 20th day of December,  
 22 2016.

23 \_\_\_\_\_  
 24 GENERAL NOTARY PUBLIC  
 25 COST: \$ \_\_\_\_\_

THIBAULT, SUHR & THIBAULT, INC.  
 Omaha, Nebraska (402) 331-2500

112 December 20th, 2016

2 Brieson Jensen  
 3 921 North Twelfth Street  
 4 Wisner, Nebraska 68791

5 Dear Mr. Jensen:

6 You will recall on December 15, 2016, I took your  
 7 deposition at Fraser Stryker, 500 Energy Plaza, 409  
 8 South 17th Street, Omaha, Nebraska, dealing with the  
 9 case of GARY GIBSON, JR., and SHAWNA GIBSON, husband  
 10 and wife v. BRIESON JENSEN and FARMERS CO-OPERATIVE  
 11 docketed in the United States District Court for the  
 12 District of Nebraska. Your signature on the deposition  
 13 was not waived.

14 A minusccript, which is an exact copy of the full-sized  
 15 original transcript, is enclosed for your signature. I  
 16 would appreciate it if you would read the minusccript  
 17 and then sign the attached signature page and errata  
 18 sheet and return the signature page and the errata  
 19 sheet to me in the enclosed envelope as soon as  
 20 possible. Local practice allows a witness 30 days in  
 21 which to read and sign the transcript and return same  
 22 to the reporter.

23 As you read the minusccript, please note any corrections  
 24 you might have on the errata sheet enclosed giving the  
 25 page number, line number, and the reason for the  
 1 correction to be made as so indicated on the sheet.

26 After reading and noting any corrections on the errata  
 27 sheet, please sign the signature page and also the  
 28 errata sheet. Please sign both pages in front of a  
 29 Notary Public and then have the Notary sign on the  
 30 proper line. Thank you for your cooperation in this  
 31 matter.

32 Yours truly,

33 Alvin J. Thibault

34 cc: Mr. Alexander D. Boyd  
 35 Mr. Randall Goyette

36 THIBAULT, SUHR & THIBAULT, INC.  
 37 Omaha, Nebraska (402) 331-2500

11:53:05AM

1 DEPOSITION CORRECTIONS OF BRIESON JENSEN2 CASE: GARY GIBSON, JR., and SHAWNA GIBSON, husband and  
3 wife v. BRIESON JENSEN and FARMERS CO-OPERATIVE  
4 No. 8:16-cv-2965 

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13 \* \* \*  
14 \* \* \*  
15 \* \* \*  
16 \* \* \*  
17 \* \* \*  
18 \* \* \*  
1920 SIGNATURE OF WITNESS

21 STATE OF NEBRASKA)

22 ) ss

COUNTY OF CUMING )

23 Subscribed and sworn to before me this  
24 day of \_\_\_\_\_, 2016.25 GENERAL NOTARY PUBLICTHIBAULT, SUHR & THIBAULT, INC.  
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## APPLICATION FOR EMPLOYMENT

FARMERS COOPERATIVE – PILGER, WINNIE, STANTON  
PO BOX 326  
PILGER, NE 68768

Position Applied For \_\_\_\_\_

Date of Application April 4, 2013

Name Brieson Jensen

Address 514 Avenue E Winnie, NE 68791

Telephone (402)-380-1237

Social Security Number 506-33-0000

Have you ever filed an application with us before?  Yes  No If Yes, when \_\_\_\_\_

Have you ever been employed with us before?  Yes  No If Yes, when \_\_\_\_\_

Are you currently employed?  Yes  No May we contact current employer?  Yes  No

Are you prevented from lawfully becoming employed in this country because of Visa or Immigration Status?  
Proof of citizenship or immigration status will be required upon employment.  Yes  No

On what date would you be available to start work?  Yes  No

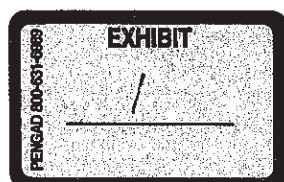
Are you able to work?  Full Time  Part Time  Temporary  Shift Work

Are you currently on "lay-off" status and subject to recall?  Yes  No

Can you travel if a job requires it?  Yes  No

Have you been convicted of a felony within the last 7 years?  Yes  No  
Conviction will not necessarily disqualify an applicant from employment.

If Yes, please explain. \_\_\_\_\_



## EDUCATION

	Name & Address of School	Course of Study	Years Completed	Diploma Degree
Elementary School	Wistner, NE		8	
High School	Wistner, NE		4	High School Diploma
Undergraduate College				
Graduate				
Professional				
Other (Specify)				

Indicate any foreign languages you can speak, read and/or write.

	FLUENT	GOOD	FAIR
SPEAK			
READ			
WRITE			

Describe any specialized training, apprenticeship, skills and extra-curricular activites.

Describe any job-related training received in the United States military.

I drive truck for the National Guard once a month.

## EMPLOYMENT EXPERIENCE

Start with your present or last job. Include any job-related military service assignments and volunteer activities. You may exclude organizations which indicate race, color, religion, gender, national origin, disabilities or other protected status.

Employer Roth Feed Lots, Inc	Dates Employed		Work Performed Lawn <del>maintenance</del> maintenance Fencing, Feeding Livestock, Cleaning Machinery
Address 410 S. Road Werner, NE 68781	From JUNE 03	To MAY 2012	
Telephone (402) 579-6608	Hourly Rate/Salary Starting \$6.55/hr Final \$7.75/hr		
Job Title Laborer	Starting \$6.55/hr Final \$7.75/hr		
Supervisor Paul Rabe	Dates Employed		Work Performed
Reason for Leaving College	From	To	
Employer	Starting \$6.55/hr Final \$7.75/hr		
Address	Starting \$6.55/hr Final \$7.75/hr		
Telephone	Starting \$6.55/hr Final \$7.75/hr		
Job Title	Starting \$6.55/hr Final \$7.75/hr		
Supervisor	Dates Employed		Work Performed
Reason for Leaving	From	To	
Employer	Starting \$6.55/hr Final \$7.75/hr		
Address	Starting \$6.55/hr Final \$7.75/hr		
Telephone	Starting \$6.55/hr Final \$7.75/hr		
Job Title	Starting \$6.55/hr Final \$7.75/hr		
Supervisor	Dates Employed		Work Performed
Reason for Leaving	From	To	
Employer	Starting \$6.55/hr Final \$7.75/hr		
Address	Starting \$6.55/hr Final \$7.75/hr		
Telephone	Starting \$6.55/hr Final \$7.75/hr		
Job Title	Starting \$6.55/hr Final \$7.75/hr		
Supervisor	Dates Employed		Work Performed
Reason for Leaving	From	To	

list professional, trade, business or civic activities and offices held.

Other Qualifications. Summarize special job-related skills and qualifications acquired from employment or other experience.

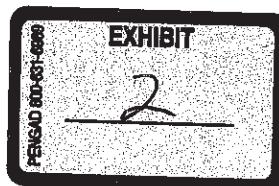
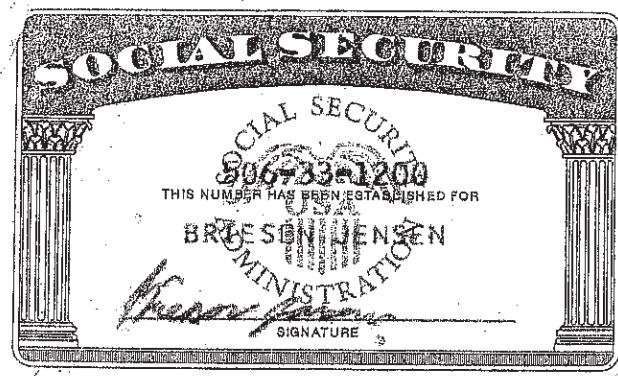
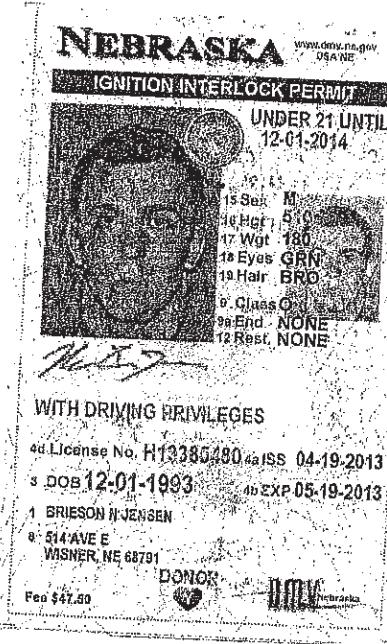
State any specialized skills or additional information that you feel may be helpful to us in considering your application for employment.

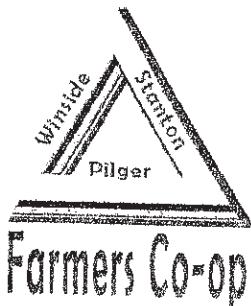
REFERENCES (Name, Address, Phone)

1. Greta Roth 490 S. Road Winner NE 68791 (402)-529-6608

2. ~~George McBride~~ Dale Alexander (402)-380-3093 → (402)-369-1444

3. ~~Brad Rosten~~ Carolyn Piper (402)-30 (402)-380-8887





## FARMERS COOPERATIVE

PO BOX 326, PILGER, NE 68768  
PILGER 402-396-3414  
FAX 402-396-3269  
TOLL FREE 800-922-3414

STANTON 402-439-2430  
WINSIDE 402-286-4277  
SPURVILLE 402-841-8119

### COMPANY POLICY

June 14, 2013

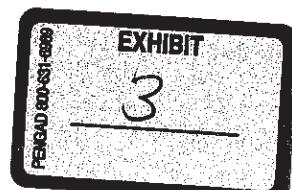
The Farmers Cooperative is a business created and owned by farmer members that it serves.

The Directors and Management are aware that in addition to their duties to the membership to adhere to sound business principles it also has an obligation to its employees. Likewise, the employee also has a definite obligation to the Co-op and his employer.

The following policies are established to define as clearly as possible the nature and extent of the responsibilities on the part of the cooperative, the Directors, the Manager, and the employees. These policies are intended to create a good employee and employer relationship which will in turn create good membership.

Suggestions and constructive criticism are welcome at all times.

1. The board has the duty to act as a unit and not as individuals or a part of the Board. The Board shall at all times act in the best interest of the Co-op and the benefit of everyone in the community.
2. The Board shall select and employ a competent manager to conduct the business operation of the Co-op along sound business principles and in the best interest of its members.
3. The Manager shall at all times hire employees best qualified for the jobs they are to perform. He/she shall have full authority to hire or dismiss employees. It shall be his/her duty to supervise and direct all operation of the Co-op.
4. It shall be the duty of the Manager to hire employee capable of maintaining a bookkeeping department that will provide the Manager and the Board of Directors with the records and reports required to operate the cooperative. The Manager and Board of Directors shall employ a competent outside auditing firm to report directly to them on an annual basis.
5. All department managers shall meet with the General Manager on such a regular basis as to insure that communications are maintained that allow for smooth operation of all phases of the cooperative. It shall be the duty of the General Manager to see that such meetings and schedules are carried out as needed.
6. It shall be the duty of each department and Branch Manager to direct the routine, on the job activities of the employees working in his or her department. It shall also be the responsibility of the department head to see to it that his or her department operates at as high a service and profitability level as possible.



7. All areas under the control of the Co-op will be kept in a neat orderly manner at all times, especially the area where patrons are being served. It shall be the duty of each employee, as well as management, to see that this is done.
8. All employees are expected to be neat, clean and to conduct themselves in a businesslike and courteous manner. He or she should be civic minded and work with the community whenever possible.
9. The Co-op random drug testing is to include all employees. Alcohol or drug abuse by any Co-op employee will be handled according to the terms of our Drug Free Work Place Policy. **FIRST OFFENSE**—If employee cooperates by completing a voluntary drug or alcohol treatment program and agrees to comply with random drug testing he/she, if proving negative, on such testing, may retain their position. **SECOND OFFENSE**—Immediate termination of employment.
10. The Co-op will strive to maintain a work environment in which employees can be free of any unintentional sexual harassment or discrimination. The General Manager will immediately move to stop any sexual harassment or discrimination as soon as the General Manager becomes aware of it and take appropriate action, including disciplinary action or termination. Employees are expected to immediately report any instances of sexual harassment or discrimination as soon as they become aware of such conduct.
11. Any employee who is released from the employment of the Co-op shall receive two weeks' severance pay. Any employee who resigns is asked to give two weeks' notice.
12. Any employee leaving the place of business for any length of time for other than company business shall do so only after he/she has received permission from the manager.
13. It shall be the policy of the Co-op to take part in any employee training programs deemed necessary by the manager.
14. Two regular breaks from work are allowed on a daily basis. These break periods should not exceed 15 minutes. Breaks should only be taken when and if work schedules allow time. Employees should be aware that breaks on company time are a privilege, not an inalienable right.
15. Any employee who has been away from his/her department should immediately upon returning report back to his/her area for further updates on his/her work schedule.
16. A majority of our employees work within multiple departments, so it is expected of each employee to help in any department when needed.
17. Only with the approval of the Manager may employees use the equipment or facilities of the Co-op for personal use.
18. Employees shall be allowed to purchase merchandise and accessories through the hardware and service station for 10% above cost. All other purchases of farm supplies, groceries and commodities will have to be at retail price.
19. All full time employees, whenever possible, are encouraged to wear neat, clean uniforms while on duty. Full time employees will be allowed \$220.00 on an annual basis to purchase or rent company identified uniforms. Rental cost over the annual \$220.00 will be deducted from the employee's bi-weekly paycheck. Purchased uniforms over the allowed amount will be charged to the employee's account.
20. If it is necessary for any employee to use his/her personal vehicle for Co-op business, that employee will be reimbursed per mile at the current IRS approved rate.
21. Vacation time will be allowed for employees with continuous service as follows: One week after the first year; 2 weeks after the second year; and 3 weeks after the tenth year. Vacation schedules must be worked out in advance with the management. Vacation time can only be carried forward from year to year when arrangements are made in advance with

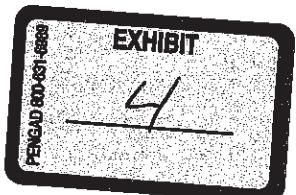
the General Manager. If arrangements to carry over unused vacation is not made prior to year end the carryover will be forfeited by the employee. For those employees who earn 3 weeks vacation, if circumstances arise which the employee is unable to use the entire 3 weeks within the calendar year, the employee is allowed to choose a payout of no less than 2 days and no more than one week, to be paid in the last pay of November.

22. Paid sick leave will be allowed to all full time employees who have had at least 90 days continuous employment. The paid sick leave will amount to one day for each month worked to an accumulation of 45 days maximum. Any employee proven to be taking advantage of sick leave for other than actual sickness is subject to dismissal.
23. Regular full time employees will be allowed up to 3 days for absence because of serious illness or death in the employee's immediate family. Time off for other funerals may be granted in special cases by the manager.
24. Regular work hours and work schedules may be different for various departments. However, when the seasonal demands of spring planting and fall harvest are upon us, all employees should understand that work schedules are regulated by whatever it takes to get the job accomplished.
25. The following Holidays will normally be observed: New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day.
26. Full time employees are defined as those employees that work a full time schedule of at least 36 hours per week.
27. Seasonal employees are those that work during the Spring and Fall season, as the work schedule demands. This is less than a three month period during either Spring or Fall and not more than a three month period during either Spring or Fall and not more than 5 months annually.
28. Part time employees are those that work less than 30 hours per week or 1560 hours annually on an on call or regular schedule.
29. All full time employees are entitled to participate in the company group health insurance plan and 401k retirement program.
30. If an employee chooses not to participate in the group health plan the Co-op agrees to compensate that employee on a basis comparable to the lowest rate paid for single coverage by any employee in the total work force.
31. No employee shall be engaged in any other occupation that will be detrimental to his/her work for the Co-op or to the Co-op.
32. This set of policies has been adopted by the Board of Directors and shall supersede any policies now practiced by the Co-op. Company policies will be reviewed as deemed necessary by the Board of Directors.

BOARD OF DIRECTORS  
FARMERS COOPERATIVE  
PILGER, NEBRASKA

\_\_\_\_\_, Secretary

Done ✓ South Mante 79 A soft in place 40# Nutri 87#  
 Done ✓ South Mante 150 A <sup>Partial 50# Ans</sup> carroll pivot. 50# Nutri 109#  
 Done ✓ Kevin Mante 80 A pivot 70# Nutri 152#  
 Done ✓ " " 435 A 40# Nutri 120 home place 65# molasses 87#  
 Done ✓ Kurt Mante 85 A pivot 109# Nutri  
 Done ✓ " " 63 A east of home place 109# Nutri  
 Done ✓ " " 60 A south place by old home south rd. 109# Nutri  
 Done ✓ Gerald Mante 45 A North of place <sup>30# call to</sup> 1 qt. C.S.P 1 qt. 2ms  
 Done ✓ " " 75 A my place same  
 Done ✓ " " 665 A Home place same  
 Done ✓ " " 144 A Peters place same  
 Done ✓ Brian Recy 172 A Beans 1 qt. C.S.P. & 1 qt. 2ms  
 Done ✓ Scott Mante 135 A Nutri 87#  
 Done ✓ " " 140 A Nutri 87# + 50# Ans 2#  
 Done ✓ " " 152 A Rubin 87# + 50# Ans 2#  
 Done ✓ John Agtan 50 A <sup>30#</sup> Shirley maya the call Joh 260# Nutri  
 Done ✓ " " West 80 77 A  
 Done ✓ " " 137 A east home



Done ✓ Kyle Frederick 90 A cows 1 qt. C.S.P. 30# call to

## MIX SHEET

103  
D. 103  
REVEN MAROTZ  
P.O. BOX 326  
PILGER, NE 68768  
55217 HWY 35  
ALSO WINSIDE & STANTON, NE.

ACCT. NO. NE 68740-4023

BATCH 1 OF 1  
ORDER #: 025186  
PERMIT #: \_\_\_\_\_  
CROP YR : 2013  
APPL. #: 9  
ACRES : .00  
FIELD #: 1  
DATED : 06/26/2013

APPLIED ACRES :	80.00	MEMO :	LAB :						
MATERIAL GROUP :	DRYW	DRY FERTILIZER	UNITS : LB						
INGREDIENT ID	DESCRIPTION	U/M	UNITS/ACRE	UNITS/BATCH	LBS/BATCH	SCALE LBS	MIX LBS	BIN#	RPM
UREA/NUTRIW	UREA/NUTRIW	LB	152.000	12160.000	12160.000	12160.000	12160.000		1
		TOTAL LBS/ACRE :		152.000					
ACRES :	50.000	ACRES/BATCH :	80.00	TOTAL LBS :	12160.000				

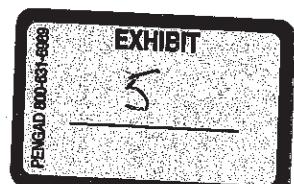
GUARANTEED ANALYSIS:	N	P	K	B	Z	R	*****
	46.0	.0	.0	.0	.0	.0	*
	69.9	.0	.0	.0	.0	.0	*

DATE APPLIED	TIME APPLIED	:	AM	PM	*
APPLICATOR UNIT	OPERATOR	:			*
SEEDING CROPS	LICENSE #	:			*
SEED BED CONDITIONS	CHECKSTRIP	:	YES	NO	*
WET	ORGANIC MATTER	:	1-3	3+	*****
HERBICIDE APPLICATION	TEMPERATURE	:	BELOW	ABOVE	
PRE		:	NORMAL	NORMAL	
SURFACE	CROP HEIGHT	:		WEED HEIGHT	
COARSE	WIND DIRECTION	:		WIND VELOCITY	
	TEMPERATURE	:			

WEEDS : COCKLEBUR, VELVETLEAF, PIGWEED, MORNINGGLORY, SUNFLOWER, FOXTAIL, CRABGRASS, SHATTERCANE, JOHNSONGRASS  
TARGET CATEGORY : GRASS, BROADLEAVES, FUNGUS, INSECTS

DRUG ID	LEGAL DESCRIPTION	POST INFORMATION	EPA #	U/M	UNITS/ACRE	LBS/BATCH	GAL/BATCH
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100% center PIVOT



## MIX SHEET

1503  
 BOBET MAROTZ  
 3631 363 AVENUE  
 68740-4073

FARMERS CO-OP  
 P.O. BOX 326  
 PILGER, NE 68768  
 ALSO WINSIDE & STANTON, NE.

BATCH 1 OF 1  
 ORDER #: 025177  
 PERMIT #:  
 CROP YR : 2013  
 APPL. #: 5  
 ACRES : .00  
 FIELD #: 1  
 DATED : 06/25/2013

APPLIED ACRES :	79.00	MEMO :	LAB :						
MATERIAL GROUP :	DRYW	DRY FERTILIZER	UNITS : LB						
INCREMENT ID	DESCRIPTION	U/M	UNITS/ACRE	UNITS/BATCH	LBS/BATCH	SCALE LBS	MIX LBS	BIN#	RIM
UREANUTRIW	UREANUTRIW	LB	87.000	6873.000	6873.000	6873.000	6873.000		

DEPTH	50.000	TOTAL LBS/ACRE	87.000		
		ACRES/BATCH	79.00	TOTAL LBS	6873.000

SUPERGUARDED ANALYSIS:	N	P	K	S	I	B	*****
	46.0	.0	.0	.0	.0	.0	*
NUTRIENTS/ACRE	40.0	.0	.0	.0	.0	.0	*

DATE APPLIED	TIME APPLIED	AM	PM
APPLICATOR UNIT	OPERATOR	*	*
ADJOINING CROPS	LICENSE #	*	*
SEED BED CONDITIONS	CHECKSTRIP	YES	NO
WEEDS	ORGANIC MATTER	1-3	3+
HERBICIDE APPLICATION	TEMPERATURE	BELOW	ABOVE
PRE	CROP HEIGHT	NORMAL	NORMAL
POST	WIND DIRECTION		
SURFACE	TEMPERATURE		
SOIL TEXTURE			
COARSE			
MEDIUM			
FINE			
TYPE OF APPLICATION			
DR. & NOZZLES			
GENERAL COMMENTS			

WEEDS : COCKLEBUR, VELVETLEAF, PIGWEED, MORNINGGLORY, SUNFLOWER, FOXTAIL, CRABGRASS, SHATTERCANE, JOHNSONGRASS  
 TARGET CATEGORY : GRASS, BROADLEAVES, FUNGUS, INSECTS

INGRED. ID	LEGAL DESCRIPTION	POST INFORMATION	EPA #	U/M	UNITS/ACRE	LBS/BATCH	GAL/BATCH
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Comments: DOFFIN PLACE

V-2  
SCOTT MAROTZ  
3481+ 363 AVENUE  
NE 68740-4073

## MIX SHEET

BATCH 1 OF 2

FARMERS CO-OP  
P.O. BOX 326  
PILGER, NE 68766  
ALSO WINNIDE & STANTON, NE.

ORDER #: 025187  
PERMIT #:   
CROP YR : 2013  
APPL. #: 6  
ACRES : .00  
FIELD #: 1  
DATED : 06/26/2013

APPLIED ACRES :	150.00	MEMO :	LAB :																																																																																																																																																												
ANIMAL GROUP :	DRYW	DRY FERTILIZER	UNITS : LB																																																																																																																																																												
INGREDIENT ID	DESCRIPTION	U/M	UNITS/ACRE	UNITS/BATCH	LBS/BATCH	SCALE LBS	MIX LBS	BIN#	RPM																																																																																																																																																						
UREANUTRIW	UREANUTRIW	LB	109.000	8175.000	8175.000	8175.000	16350.000		1																																																																																																																																																						
			TOTAL LBS/ACRE :		109.000																																																																																																																																																										
DENSY :	50.000	ACRES/BATCH :		75.00	TOTAL LBS :	8175.000																																																																																																																																																									
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WEEDS : COCKLEBUR, VELVETLEAF, PIGWEED, MORNINGGLORY, SUNFLOWER, FOXTAIL, CRABGRASS, SHATTERCANE, JOHNSONGRASS  
TARGET CATEGORY : GRASS, BROADLEAVES, FUNGUS, INSECTS

ORDERED ID	LEGAL DESCRIPTION	POST INFORMATION	EPA #	U/M	UNITS/ACRE	LBS/BATCH	GAL/BATCH
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Comments:

Carroll Pivot

## MIX SHEET

BATCH 2 OF 2

143  
 422  
 ECO NAROTZ  
 FARMERS CO-OP  
 P.O. BOX 326  
 PILGER, NE 68768  
 94614 563 AVENUE  
 ALSO WINSIDE & STANTON, NE.

468740 NE 68740-4073

ORDER #: 025187  
 PERMIT #:  
 CROP YR : 2013  
 APRL. #: 6  
 ACRES : .00  
 FIELD #: 1  
 DATED : 06/26/2013

APPLIED ACRES	MEMO	LAB								
150.00	DRY FERTILIZER	UNITS : LB								
INGREDIENT ID DESCRIPTION		U/M	UNITS/ACRE	UNITS/BATCH	LBS/BATCH	SCALE LBS	MIX LBS	BIN#	RPM	
UREANUTRIW	UREANUTRIW	LB	109.000	8175.000	8175.000	8175.000	16350.000		E 1	
		TOTAL LBS/ACRE		109.000						
APPLY. : 50.000	ACRES/BATCH	: 75.00		TOTAL. LBS	: 8175.000					
		N	P	K	S	Z	R	*****		
GUARANTEED ANALYSIS:	46.0	.0	.0	.0	.0	.0		*	*	
NUTRIENTS/ACRE	50.1	.0	.0	.0	.0	.0		*	*	
DATE APPLIED			TIME APPLIED	: _:_ AM	: _:_ PM				*	
APPLICATOR UNIT			OPERATOR			*			*	
ADJOINING CROPS			LICENSE #			*			*	
SEED BED CONDITIONS	GOOD	LUMPY	TRASH			CHECKSTRIP	YES	NO	*	
	WET	DRY	—			ORGANIC MATTER	1-3	3+	*****	
HERBICIDE APPLICATION	PRE	POST	—			TEMPERATURE	BELOW	ABOVE		
	SURFACE	EARLY	—				NORMAL	NORMAL		
TEXTURE	COARSE	MEDIUM	FINE			CROP HEIGHT			WEED HEIGHT :	
TYPE OF APPLICATION						WIND DIRECTION			WIND VELOCITY:	
PRESSURE & NOZZLES						TEMPERATURE				
GENERAL COMMENTS										
WEEDS	COCKLEBUR, VELVETLEAF, PIGWEED, MORNINGGLORY, SUNFLOWER, FOXTAIL, CRABGRASS, SHATTERCANE, JOHNSONGRASS									
TARGET CATEGORY	GRASS, BROADLEAVES, FUNGUS, INSECTS									

APPLIED. ID	LEGAL DESCRIPTION	POST INFORMATION	EPA #	U/M	UNITS/ACRE	LBS/BATCH	GAL/BATCH
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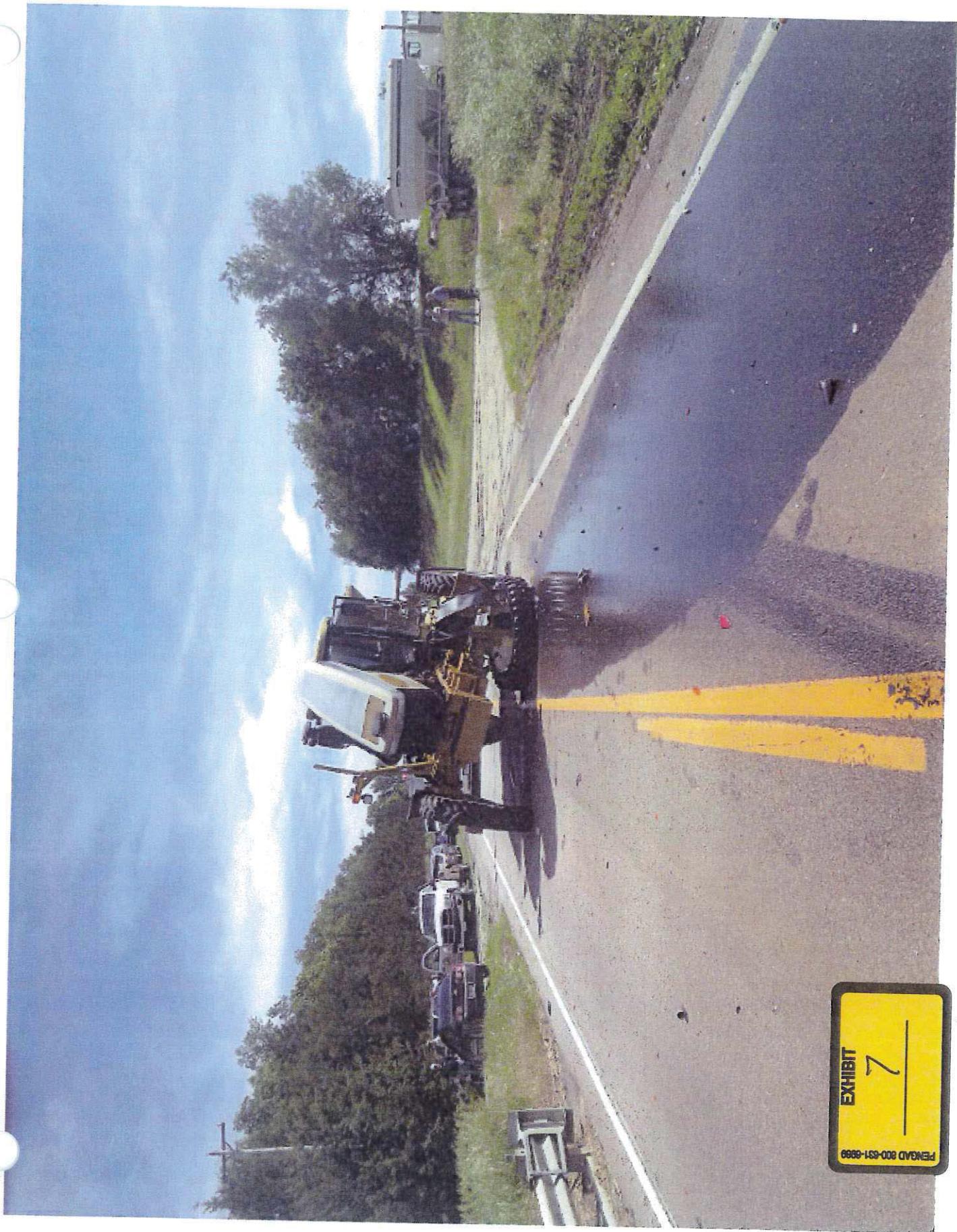
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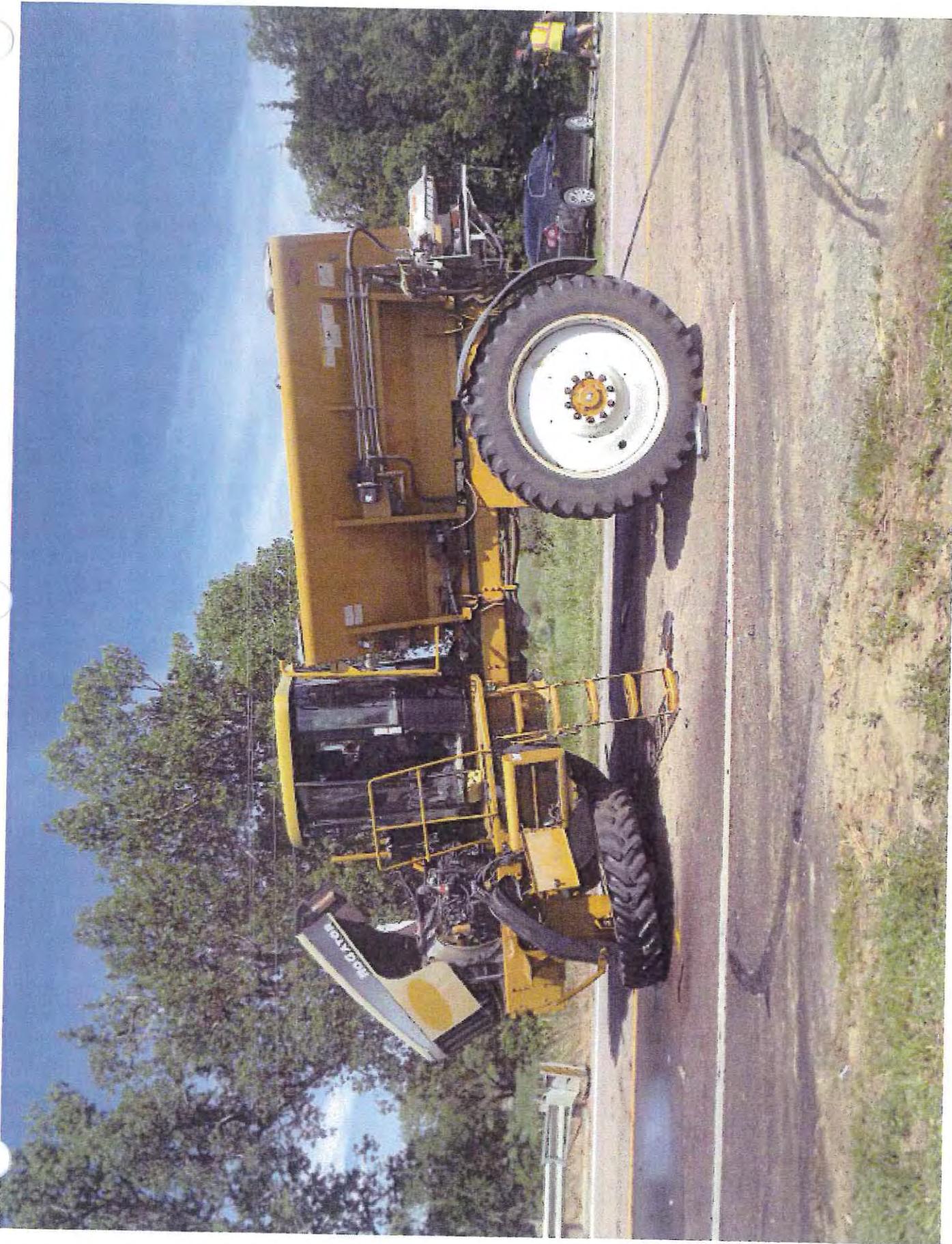






GIBSON 002011





GIBSON 002020



GIBSON 002021



GIBSON 002029



GIBSON 002034



GIBSON 002060

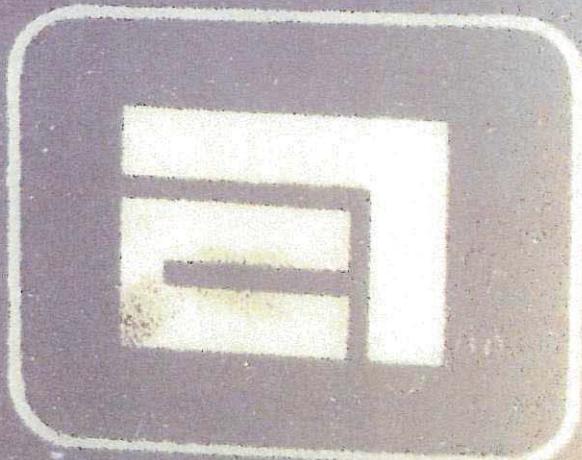


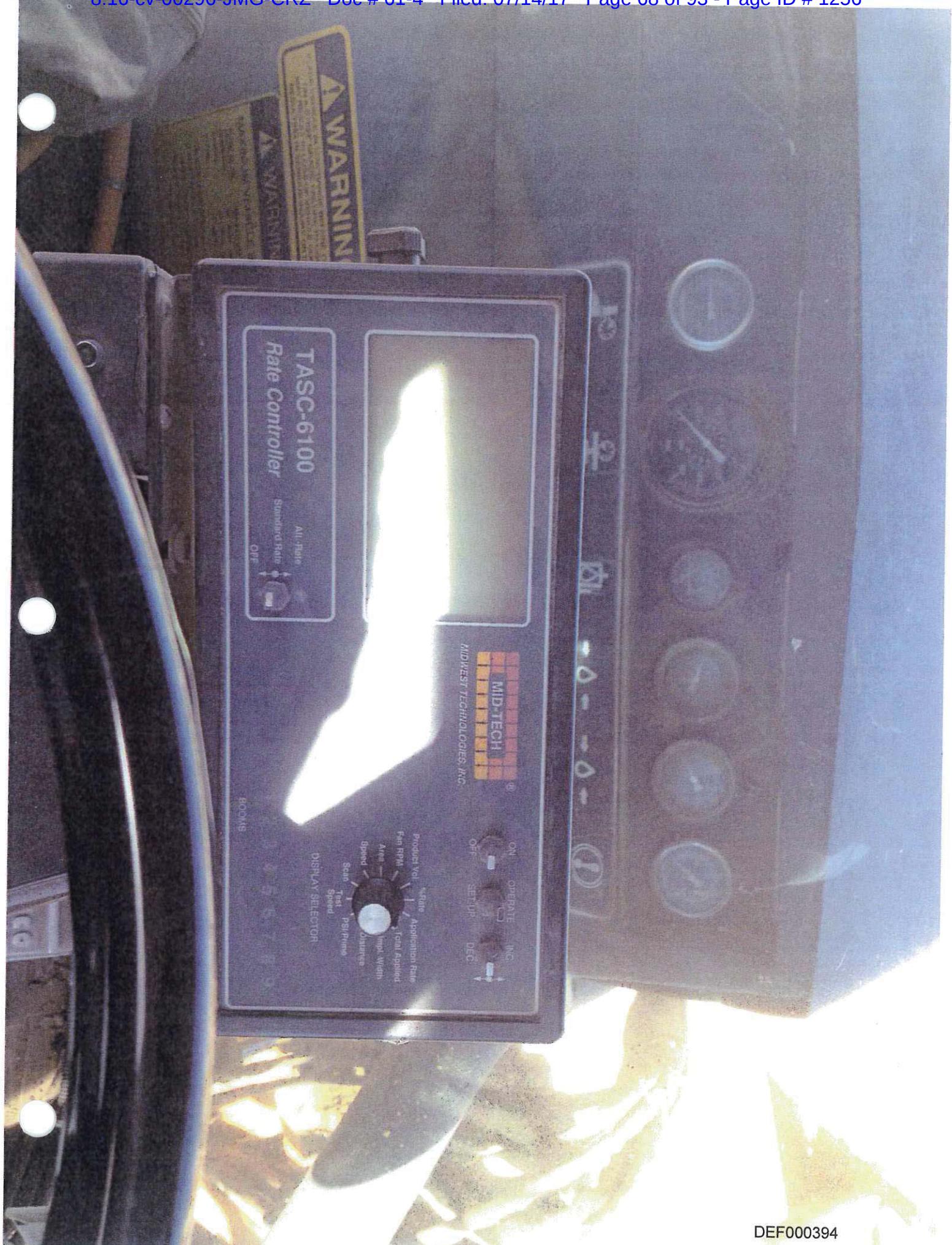
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EXHIBIT  
8



DEF000388

3349





DEF000394

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 **Brieson Jensen** [BriesonJ](#) 7 Sept 2011

Dear driver in front of me,  
I will asshole you then skullfuck you if you  
don't set your cruise at 63 like a normal  
god damn person!!!!

 **Brieson Jensen** [BriesonJ](#) 20 Aug 2011

I don't care if its jail time I'll do it!!!!  
#statfuck

 **Brieson Jensen** [BriesonJ](#) 25 Aug 2011

What in the monkey fuck with sprinkles on it is that?

 **Brieson Jensen** [BriesonJ](#) 27 Aug 2011

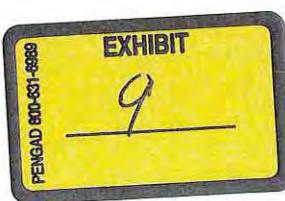
Lessons learned this week: semis hurt...  
And I may be immortal

 **Brieson Jensen** [BriesonJ](#) 24 Jun 2011

Things were going great til she started using four letter words like....  
Stop, don't, quit, rape

 **Ron Swanson Quotes** followed Brieson Jensen on 24 Jun 2011

 **Bowder** followed Brieson Jensen on 24 Jun 2011

 GIBSON 001798

@Ron\_SwansonSays

Be A Man

@Bowdwi

I dont know where im goin' from here  
but i promise it won't be boring Carpe  
Diem.



**Brieson Jensen** BriesonJ 24 Jun 2013

#funfact for those that are curious Wisner's  
light does change... Who knew this?

**Brieson Jensen** BriesonJ 19 Jun 2013

I just saw a 6 year old walking and texting. What.... The.... Fuck!



**Brieson Jensen** BriesonJ 17 Jun 2013

Holy badger holes!



**Brieson Jensen** BriesonJ 11 Jun 2013

Would you be my girlfriend and have sex  
with me as soon as possible?  
#bestpickupline



**Brieson Jensen** BriesonJ 26 May 2013

Holy duckfarts batman that's a lot of lightning

3 Retweeted

**Tucker Max** TuckerMax 24 May 2013

Paul George just broke Lebrons ankles, then dunked on Birdman. My  
basketball fantasies aren't even that amazing



**Brieson Jensen** BriesonJ 24 May 2013

Fuck you pheasants take my car seriously I don't like glueing my mirror  
back on everytime



**Brieson Jensen** BriesonJ 22 May 2013

You beat two people to a red light #goodjob



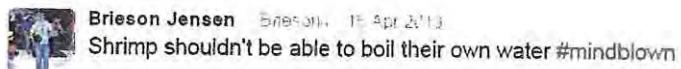
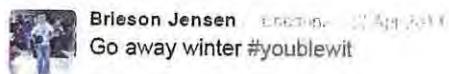
**Brieson Jensen** BriesonJ 18 May 2013

What's the point of keeping the ponies in the stable #letemrun



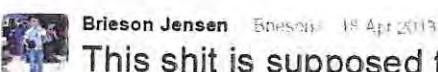
**Brieson Jensen** BriesonJ 14 May 2013

Good god it's #hotterthan a fresh fucked fox in a forest fire

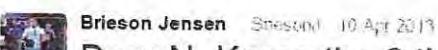


How Badass is That?

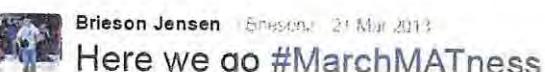
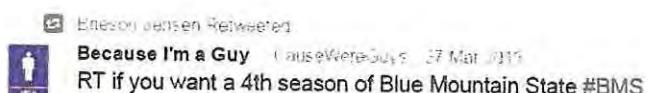
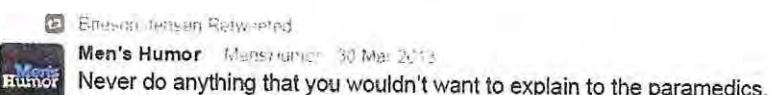
In captivity, the shrimp have been known to punch through aquarium glass, totally fucking up people's rugs. In fact, the punch of the mantis shrimp is so fast, it actually lowers the pressure of the water in its path which-- conveniently for a badass sea-ninja who fancies some pre-cooked crab--boils the water around the punch. Steven Seagal's probably only done that once or twice at best.



This shit is supposed to happen in December.



Dear N. Korea the 2 time world champs love to smack dictators down with their #ThrobbinCockOfJustice



 **Brieson Jensen** BriesonJ 16 Mar 2013  
Humanity was born of conflict this is why we have a dark side some choose to embrace it while others fight it #TodaysQuote

 **Brieson Jensen** BriesonJ 17 Mar 2013  
Welcome to nowhere, otherwise known as Nebraska- Mike Rowe #TodaysQuote

 **Brieson Jensen** BriesonJ 16 Mar 2013  
You can be a badass bridge builder, build 10,000 bridges. You suck 1 dick and youll never be known as a bridge builder #TodaysQuote

 **Brieson Jensen** BriesonJ 1 Mar 2013  
#sorry #forgiveme

 **Brieson Jensen Retweeted**  
 **Pick Six Previews** PickSixPreviews 27 Feb 2013  
Greatest College Football Team of All-Time? ReTweet for 1995 NEBRASKA... Favorite for 2001 MIAMI.. Comment for OTHER

 **Brieson Jensen** BriesonJ 26 Feb 2013  
Thank you mom for my bitch veins... Love you

 **Brieson Jensen** BriesonJ 23 Feb 2013  
New goal: have a date for the next wedding I go to

 **Brieson Jensen** BriesonJ 19 Feb 2013  
I feel like #dancemoms would be more popular if these children were actually grown up

 **Brieson Jensen** BriesonJ 19 Feb 2013  
Theme song for dragon ball z>>> #getsmeexcited #marathon

 **Brieson Jensen** BriesonJ 18 Feb 2013  
Spend your energy keeping up instead of wasting it on catching up #wordstoliveby

 **Brieson Jensen** BriesonJ 18 Feb 2013  
I would collect her tears and run #gypsystanders @AmericanDream81

 **Brieson Jensen** BriesonJ 18 Feb 2013

 Congrats @LucasWiechman second is nothing to complain about unless you're Pender and it's a team title

 **Brieson Jensen** (Brieson) 16 Feb 2013  
First time in my life been kicked out of 6 seats at state wrestling #wtf #nosebleedsproblems

 Brieson Jensen followed UNLCRUSHES, Kyle Dake, Claire Phillips and 2 others



 **UNLCRUSHES**

@UNLCrushes

anonymously direct message me the name of the guy or girl you have been wanting at UNL NOT affiliated with the University of Nebraska. Just for



 **Kyle Dake**

@kyledake444

Made History! But I still have a few things I want to do

 Brieson Jensen Retweeted

**Lauren Burroughs** (Lauren\_Nicole) 13 Feb 2013

My take: Blow to Olympic wrestling hurts youth levels  
[blogs.buffalonews.com/pretalk/2013/...](http://blogs.buffalonews.com/pretalk/2013/...)

 Brieson Jensen (Brieson) 14 Feb 2013

 Hope you brushed your pubes today because we're about to go BALLS DEEP #lent

 Brieson Jensen Retweeted

**SportsHumor** (SportsHumor) 14 Feb 2013

Sandlot: Honest IMDb



**The Sandlot** (1993)

101 min · Comedy · Drama · Family · 2 April 1993 (USA)

Your rating:

 Ratings: 7.6 · from 33,150 users

Reviews: 135 user · 26 critic

A pitiful dwyeb humiliates himself playing baseball in an attempt to make friends in his new hometown. Trying to carry on the legacy of his dad, a baseball legend, he finds himself in a world of trouble.



In a selfish attempt to humiliate his successful older brother, 40 year-old Danny O'Shea coerces a bunch of undersized, asthmatic third graders to play a cutthroat high-risk game of football against a team of elite youngsters destined for the pros. Meanwhile, older brother Kevin O'Shea nicknames his daughter "Icebox," almost certainly guaranteeing a future battle with eating disorders.

Director: [David M. Evans](#)

Writers: [David M. Evans](#), [Robert Guiney](#)

Stars: [Timothy Olyphant](#), [Mike Vitar](#) and [Patrick Renna](#) . See full cast and crew

[+ Watchlist](#) [Watch Trailer](#) [Share...](#)

• [Bitesize Jenson Retweeted](#)



**SportsHumor** SportsHumor • Feb 24 2017

**Little Giants: Honest IMDb**



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Movies TV News Trailers Community IMDbPro API

rick moranis ed o'neill

## Little Giants (1994)

[SEE RANK](#)

1 hr 10 min • Comedy, Family, Sport • 14 October 1994 (USA)



Your rating:

6.0 from 11,800 users

Reviews: 35 user 10 critic

In a selfish attempt to humiliate his successful older brother, 40 year-old Danny O'Shea coerces a bunch of undersized, asthmatic third graders to play a cutthroat high-risk game of football against a team of elite youngsters destined for the pros. Meanwhile, older brother Kevin O'Shea nicknames his daughter "Icebox," almost certainly guaranteeing a future battle with eating disorders.

Director: [Dawyne Dunham](#)

Writers: [James Frawley](#) (tutu), [Robert Shalicka](#) (tutu), and 4 more credits

Stars: [Rich Moranis](#), [Ed O'Neill](#) and [Spawha Vialcroz](#) . See full cast and crew

[+ Watchlist](#) [Watch Trailer](#) [Share...](#)

• [Bitesize Jenson Retweeted](#)



**SportsHumor** SportsHumor • Feb 24 2017

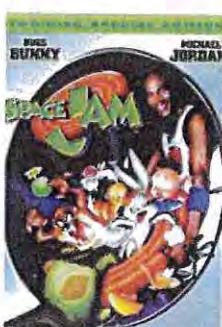
**Space Jam: Honest IMDb**



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Movies TV News Trailers Community IMDbPro API

king buckey michael jordan



## Space Jam (1996)

[SEE RANK](#)

1 hr 56 min • Animation, Adventure, Comedy • 15 November 1996 (USA)

Your rating:

5.9 from 56,301 users

Reviews: 34 user 65 critic

A group of animals and an autistic man named Elmer have no choice but to play basketball to save themselves from eternal enslavement. NBA legend Michael Jordan abandons his wife and children to assist them, putting himself at risk for enslavement as well.

Director: [Joe Pytka](#)

Writers: [Len Cariou](#), [Steve Ruckin](#), and 2 more credits

Stars: [Michael Jordan](#), [Wayne Knight](#) and [Theresa Randle](#) . See full cast and crew

[+ Watchlist](#) [Watch Trailer](#) [Share...](#)

 Bresn Jensen Retweeted

**SportsHumor** SportsHumor 9 Feb 2013

Mighty Ducks: Honest IMDb

**IMDb** Find Movies, TV Shows, Celebrities, and More

Movies TV News Trailers Community IMDbPro App

**The Mighty Ducks (1992)**  Top 250

1 hr 40 min Action Comedy Drama 2 October 1992 (USA)

**Your rating:**  6.1 Ratings: 6.1 From 25,419 users  
Reviews: 40 user 20 critic

An attorney gets a DUI, and the judge forces him to coach some random kids in hockey. It sucks at first, but one of the kids' moms is pretty hot, and he eventually gets to score with her. Despite being a Disney movie, the film's message is clear: drinking and driving gets you babies.

**Director:** Stephen Herek  
**Writer:** Steven Brill  
**Stars:** Emilio Estevez, Ross Aikland and Lane Smith : See full cast and crew

[+ Watchlist](#) [Share...](#)

 Bresn Jensen Retweeted

**SportsHumor** SportsHumor 9 Feb 2013

Angels in the Outfield: Honest IMDb

**IMDb** Find Movies, TV Shows, Celebrities, and More

Movies TV News Trailers Community IMDbPro App

**Angels in the Outfield (1994)**  Top 250

1 hr 162 min Comedy Family Fantasy 15 June 1994 (USA)

**Your rating:**  5.7 Ratings: 5.7 From 13,853 users  
Reviews: 52 user 17 critic

An orphan prays for angels to intercede with a baseball team so that maybe he can have a dad. It works miraculously, but the angels temper his happiness by telling him that Tony Danza is going to die.

**Director:** William Dear  
**Writer:** Dorothy Kinsey (as Dorothy Kinsey), George Wolfe (as George Wolfe), and 4 more credits  
**Stars:** Danny Glover, Brenda Fricker and Tony Danza : See full cast and crew

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 Bresn Jensen Retweeted

**SportsHumor** SportsHumor 9 Feb 2013

Air Bud: Honest IMDb

**IMDb** Find Movies, TV Shows, Celebrities, and More

Movies TV News Trailers Community IMDbPro App

**Air Bud: Golden Receiver (1998)**  Top 250

1 hr 39 min Comedy Family Sports 14 August 1998 (USA)

**Your rating:**  3.5 Ratings: 3.5 From 1,000 users  
Reviews: 10 user 10 critic



4.1 Ratings: 4.1 from 2,008 users  
Reviews: 18 user 29 critic

A rescued dog is thrown back into an abusive situation when his owner, 12-year-old Josh, forces him to compete in a brutal blood sport against large humans despite his fragile canine frame and inability to understand the rules. Though there are hundreds of spectators, none are compassionate enough to call and report animal cruelty.

Director: [Richard Martin](#)

Writers: [Kevin DiCicco](#) (writer), [Joshua DiCicco](#) (writer), [Paul Tamasy](#) (writer), and 3 more credits

Stars: [Kevin Zegers](#), [Cynthia Stevenson](#) and [Tim Conway](#) See full cast and crew

+ Watchlist Watch Trailer Share...

Brieson Jensen Brieson 12 Feb 2013

Fuck the IOC for getting rid of wrestling they can take a dick  
#boycotheolympics

Brieson Jensen Brieson 17 Feb 2013

Shame on these parents for just sitting back and letting their chilluns get verbally raped by this #bitch #dancemoms

Brieson Jensen Brieson 17 Feb 2013

Watching #dancemoms and guessing who will kill themselves who will be a stripper and who will be a whore

Brieson Jensen Brieson 10 Feb 2013

Don't stop don't stop we're in luck now don't stop don't stop there's so much to be found

Brieson Jensen Brieson 11 Feb 2013

Krillin you pile of shit #dbz

Brieson Jensen Brieson 11 Feb 2013

I get home to find out the tv doesn't work... #whyisthis happening  
#shouldvestayed

Brieson Jensen Brieson 10 Feb 2013

"@SportsHumor: Updated NCAA BBall Rankings:

116. Towson

117. Prairie View AM

118. Jacksonville State

119.UNC™ @\_NiceGuyNate

 **Brieson Jensen** BriesonJ... 8 Feb 2013  
These shorts compliment my body well #shortshorts #likeaboss

 **Brieson Jensen** BriesonJ... 8 Feb 2013  
Crying women honestly my kryptonite

 Brieson Jensen Retweeted  
 **SportsHumor** SportsHumor 8 Feb 2013  
Another National Daycare Signing Day - Barrett "Bear" Chester

Welcome New User 2-Day Free Trial! Sign In Help  
Rivals.com + Yahoo! Sports

**rivals.com Babies**

Search Web

Home NFL MLS NBA NHL NCAAFT NCAAFB NASCAR Golf UFC Boxing Soccer Action Sports  
Football Recruiting Home Latest News Boards/Blog Database Rankings Commitments Videos Contact Info C

**BARRETT "BEAR" CHESTER**

Rivals Rating  
RANKINGS NATIONAL 14 STATE 8

**RECRUIT BIO:**  
This lad came out with superior neck strength to hold his giant baby head and by the one month mark he was squatting 3 full bottles and was curling rattles. He is already climbing onto the couch, but is injury prone presumably due to his constant battles with the cat. He has already been removed from 6 play groups for pushing and stealing animal crackers. Will need work sharing, but he will be a big-time pick up for any daycare.

**RIVALS' PREDICTION:**

 **AUNTIE SUE'S HOUSE**

Like Tweet Email Print

 **CA in CA** jeffMSback 8 Feb 2013  
Retweet to get @spiketv to bring back BMS

 **Jordan Burroughs** jdburroughs 8 Feb 2013  
I just stopped by a basketball shoot around after wrestling practice and it took me 18 shots before I made a 3 pointer. #wrestlerproblems

 Brieson Jensen followed ASMDSS, Nathan Brooks, Chetf and 4 others



[Follow](#)

**ASMDSS**

@asmdss

Read about and share the crazy off the wall, hilarious and just downright awesome shit your Drill Sergeants said

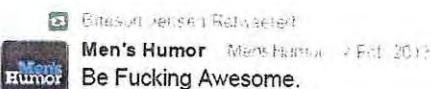


[Follow](#)

**Nathan Brooks**

@\_NiceGuyNate

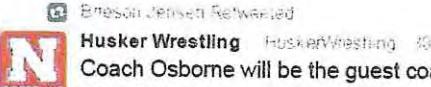
Semi-profesional snuggler attainer of awkward hellos



[Retweeted](#)

**Men's Humor** Men's Humor 2 Feb 2013

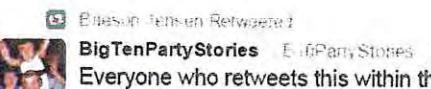
Be Fucking Awesome.



[Retweeted](#)

**Husker Wrestling** HuskerWrestling 19 Jan 2013

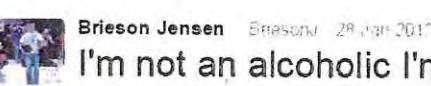
Coach Osborne will be the guest coach at the NU vs MSU dual Fri at 7 PM. RT for a chance to win a T.O. signed @HuskerWrestling shirt.



[Retweeted](#)

**BigTenPartyStories** BigTenPartyStories 28 Jan 2013

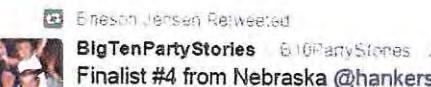
Everyone who retweets this within the next hour will get a follow back !!! #letsgo



[Retweeted](#)

**Brieson Jensen** BriesonJ 28 Jan 2013

I'm not an alcoholic I'm an alcohol enthusiast... Alcoholic has such a negative connotation



[Retweeted](#)

**BigTenPartyStories** BigTenPartyStories 27 Jan 2013

Finalist #4 from Nebraska @hankersheets





**Brieson Jensen** BriesonJ 26 Jan 2013

I feel like being young again #cartoonssaturday

11

17

16

...

1

Brieson Jensen Retweeted



**CatholicWonka** CatholicWonka 24 Jan 2013

Dear mainstream media. Half a million will #MarchForLife in DC this morning. And you're covering the on-line dating habits of athletes.

...

11

17

...

1

Brieson Jensen BriesonJ 26 Jan 2013

Dear espn, no one gives a shit about #te'o  
stop fucking talking about him

...

11

17

...

1

Brieson Jensen BriesonJ 23 Jan 2013

#onlyinnebraska



...

11

17

...

1

Brieson Jensen BriesonJ 11 Jan 2013

'Just fuck her into a sex coma' #roomateconversations

...

11

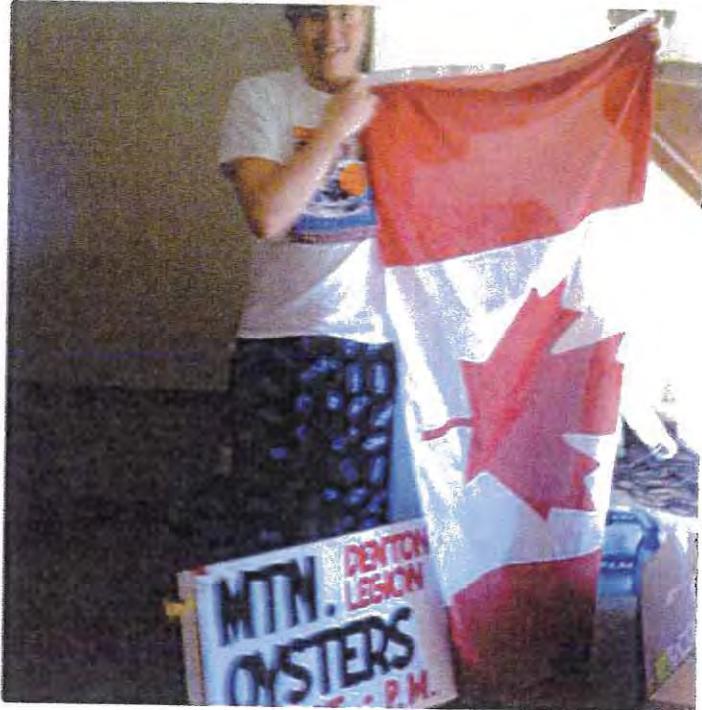
17

...



Brieson Jensen Brieson... Follow 2013

#goodthursday #anybetter?



Brieson Jensen Brieson... Follow 2013

"@TuckerMax: People super angry at Lance Armstrong Yes he cheated & lied..about riding a bicycle in France. Get perspective"  
@likeaHASS\_21



Brieson Jensen followed Jordan Burroughs, BigTenPartyStories, Mark Manning and Husker Wrestling



[Follow](#)

**Jordan Burroughs**

@elliseeisgold

Wrestle .. Win .. Repeat Husband Dad Husker 3x World Champion 2012 Olympic Champion. 2016 Olympian Fighting the good Fight.



[Follow](#)

**BigTenPartyStories**

@B10PartyStories

Showing the world how the Big Ten parties. Picture contest every Sunday. Winners receive free tailgate tanks and becomes our profile picture for a week



Brieson Jensen Brieson... Follow 2013

Go Atlanta! #itwasclose

GIBSON 001809

 Brieson Jensen BriesonJ 5 Jan 2013  
shes holding that whip in a way that tells me shes into some kinky  
shit....

 Brieson Jensen BriesonJ 5 Jan 2013  
What I just did in that bathroom is considered a war crime

 Brieson Jensen Retweeted  
Men's Humor MenHumor 5 Jan 2013  
Waking up was the second hardest thing this morning.

 Brieson Jensen BriesonJ 8 Jan 2013  
Who would have thought home shopping could be so entertaining

 Brieson Jensen Retweeted  
Tucker Max TuckerMax 7 Jan 2013  
I thought Notre Dame boys would know how to fight back when  
someone is ramming it down their throat. Guess not.

 Brieson Jensen BriesonJ 6 Jan 2013  
My tummy is making noise an excorsist  
would run away from

 Brieson Jensen BriesonJ 6 Jan 2013  
I saw Wilson's face on home improvement #hfs

 Brieson Jensen BriesonJ 5 Jan 2013  
Macchiato the only coffee you should drink is black with possibly a little  
whiskey... Or a lot #damnfew

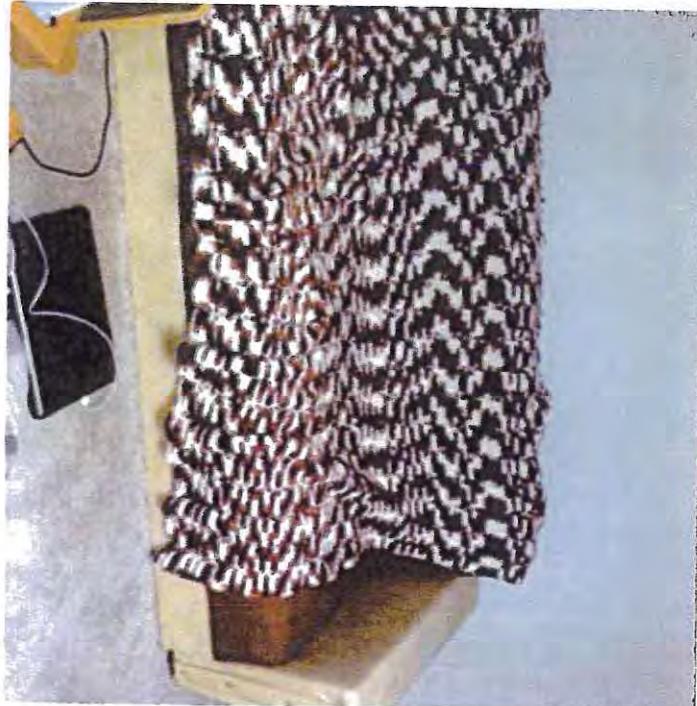
 Brieson Jensen BriesonJ 5 Jan 2013  
Rodney #TVShowsThatNeedToComeBack

 Brieson Jensen BriesonJ 5 Jan 2013  
If it takes 20 minutes for this oraquick to tell if you have HIV why does it  
take 5 days for the hospital #cantwork

 Brieson Jensen Retweeted  
Men's Humor MenHumor 4 Jan 2013  
When girls have a great night out, they talk about it for months. When  
guys have a great night out, that night will never be spoken of.

 Brieson Jensen (@BriesonJ) [Follow](#) [Report](#) 3 Jun 2013  
**Fake Bo Pelini** [Read More](#) [Reply](#) [Retweet](#) [Like](#)  
GO HOME CARL RT @ArizonaNewsnet: Fiesta Bowl: Section 404 women's restroom evacuated due to intoxicated male passed out on the floor

 **Brieson Jensen** BriesonJ 3 Jun 2013  
My grandpa's futon from before world war 2. [#notverycomfy](#) [#itllido](#)



 **Brieson Jensen** BriesonJ 3 Jun 2013  
[#SexPositionOfTheWeek](#) the spider

 **Brieson Jensen** BriesonJ 2 Jun 2013  
[#StoryBehindMyScar](#) a crazy little girl cut me @takeme2Court [#waiting](#) on the VIP pass

 **Brieson Jensen** BriesonJ 2 Jun 2013  
**NOT THE BUGGY** [#amishmafia](#) [#dontmesswithamansbuggy](#)

 **Brieson Jensen** BriesonJ 1 Jun 2013  
What happened to the original guy from dual survival [#thisguysretarded](#)

 **Brieson Jensen** BresonJ 1 Jan 2013  
Alright to get to know people rt if you know 5+ #eskimobrothers or #eskimosusters ?

 **Brieson Jensen** BresonJ 1 Jan 2013  
As a plus our offense gonn rape next year  
#ihope

 **Brieson Jensen** BresonJ 1 Jan 2013  
Fake Bo Pelini  BoPelini 1 Jan 2013  
Look on the bright side, we missed ZERO tackles on that TD

 **Brieson Jensen** BresonJ 1 Jan 2013  
Convincing your parents you weren't a  
booty call #hardestpartof2012

 **Brieson Jensen** BresonJ 31 Dec 2012  
I'm a lil foggy but I'm pretty sure I did you fucksticks a favor #damnfew

 **Brieson Jensen** BresonJ 31 Dec 2012  
Predator only hunts in tropical jungles.... I hope #archer #cantwait

 **Brieson Jensen** BresonJ 31 Dec 2012  
Amish chick doing a keg stand  
#amishmafia #hfs  
#needtogoopenpennsylvania

 **Brieson Jensen** BresonJ 31 Dec 2012  
No problem I just give up the comfortable  
part of my bed and my pillows for  
everyone #nothankyou?

 **Brieson Jensen** BresonJ 30 Dec 2012  
Rectum? Damn near killed him #namethatmovie

 **Brieson Jensen** BresonJ 29 Dec 2012  
Bloody Mary full of vodka blessed are you among cocktails #archer

 **Brieson Jensen** BresonJ 29 Dec 2012  
Shawshank redemption Morgan Freeman's best movie

#narrateslikeaboss

 **Brieson Jensen** Brieson 20 Dec 2012  
Watching new karate kid the mom stays in the stands when he breaks his leg #thatsbelievable #bullshit

 **Brieson Jensen** Brieson 20 Dec 2012  
Not everything's a race but you can come first in a lot of things #philosophy

 **Brieson Jensen** Brieson 20 Dec 2012  
This is not pop Warner they hit puberty before me

 **Brieson Jensen** Brieson 20 Dec 2012  
I should not be this hung over

 **Brieson Jensen** Brieson 24 Dec 2012  
At that age I was going to movies to see tits #shitmydadsays #christmaseve #lovewine

 **Brieson Jensen** Brieson 25 Dec 2012  
guy with a good sense of humor...because thats not #objective as shit... be more specific

 **Brieson Jensen** Brieson 23 Dec 2012  
There are legit dodgeball competitions on tv right now  
@McCainical\_bull

 **Brieson Jensen** Brieson 23 Dec 2012  
Watch #amishmafia saw John carrying 50+ solo cups in a scooter

 **Brieson Jensen** Brieson 22 Dec 2012  
Thank god it's not gonna be a catholic wedding

 **Brieson Jensen** Brieson 22 Dec 2012  
This wedding is gonna #SUCK

 **Brieson Jensen** Brieson 21 Dec 2012  
Mr. Chips/crackers I know your secretly a healthy Pringles pizza flavor

 **Brieson Jensen** Brieson 06 Dec 2012  
Fuck my save file on Pokemon not distorted #brokenrobs

 **Brieson Jensen** Retweeted  
**Earl Dibbles Jr.™** EarlDibbles Jr. (Retweet) Dear Santa- I been good. Didn't pull out any stuck city boys, practiced my words, & course I worked hard. I need: dip, cold ones, bucks.

 **Brieson Jensen** Brieson (IP Dec 2012) I need a Spanish speaking person asap #ifonlygoogletranslatedvideos

 **Brieson Jensen** Retweeted  
**Fake Bo Pelini** FauxBoPelini (16 Dec 2012) @JManziel2 Hi FYI nobody has ever won a Heisman at two different schools, we could make history call me plz

 **Brieson Jensen** Brieson (17 Dec 2012) It's not gay if its Sean Connery #hecandoashepleases

 **Brieson Jensen** Brieson (18 Dec 2012) Best clothing commercial belongs to #deluthtradingco

 **Brieson Jensen** followed KingCash, abby o, Whitney Layne Hansen and 14 others  
 **KingCash** @CashTag12 Carpe Diem our here grinding on the road to success. #BossLife Future Golf Pro

 **abby o** @hot\_\_too\_shABBY eating food since 1994 "good vibes only"

 **Brieson Jensen** Retweeted  
**Men's Humor** Men'sHumor (17 Dec 2012) That little gasp the beer makes when you open it. That's the sound of freedom!

 **Brieson Jensen** Brieson (17 Dec 2012) Downloaded snap chat just to send @AmericanDream81 #dicpics

 **Brieson Jensen** Brieson (18 Dec 2012) The doctor said Santa needs his blood drawn. I don't care if he's

 The doctor said Santa needs healthier cookies... I say Santa has long overshot his life expectancy so give the fatty cookies #helpsanta

 **Brieson Jensen** BriesonJ 11 Dec 2012  
Scientists in china have literally made a brain out of piss #wtf  
#whowakesupandthinksthat

 **Brieson Jensen** BriesonJ 11 Dec 2012  
Is there actually a p Sherman at 42 wallaby way? #childhood #icanonlyhope

 **Brieson Jensen** Retweeted  
 **Tucker Max** TuckerMax 11 Dec 2012  
Im starting a tampon company. The slogan, "We're not the greatest thing in the world, but we're up there. Strings attached."

 **Brieson Jensen** BriesonJ 11 Dec 2012  
That's awesome! He looks so good, like...a rapist #shitmyroomatesays

 **Brieson Jensen** BriesonJ 11 Dec 2012  
When the fuck will this year be over!?

 **Brieson Jensen** BriesonJ 11 Dec 2012  
Fuck yes #jonnyfootball

 **Brieson Jensen** BriesonJ 11 Dec 2012  
#cbssports stop focussing on him he's already depressed

 **Brieson Jensen** BriesonJ 11 Dec 2012  
Well thank you #Army for fucking up my second Saturday in a row

 **Brieson Jensen** BriesonJ 11 Dec 2012  
Can't tackle the scrambling quarterback sounds like another football team I've been watching all season

 **Brieson Jensen** followed UNLboobs, kyle boyle, Dalton Mohfeld and Mason McCain



**UNLboobs** @UNLboobs We don't want nudity. You can email pics to nubaobs@gmail.com

**kyle boyle** @hankersheets Slow wide turns brotha

**Brieson Jensen** Brieson 3 Dec 2012 Fuck!

**Brieson Jensen** Brieson 6 Dec 2012 Why the hell do I support teams that do this to my heart

**Brieson Jensen** Brieson 7 Dec 2012 What the fuck #Army

**Brieson Jensen** Brieson 14 Dec 2012 #Army is gonna ruin my weekend for the second week if they don't win

**Brieson Jensen** Brieson 4 Dec 2012 Yeah she was definitely wearing a children's toy #giftforallages #VSFashionShow

**Brieson Jensen** Brieson 4 Dec 2012 #VSFashionShow makes my year

**Brieson Jensen** Brieson 11 Nov 2012 The Struggle Bus Brieson 11 Nov 2012 Snow White and the seven dwarfs was actually based upon cocaine and the seven dwarfs were each side effects from the drug.

**Brieson Jensen** Brieson 11 Dec 2012 How some gets lost from Fremont to Norfolk blows my mind #youdontturn

**Brieson Jensen** Brieson 11 Dec 2012 Well today I have done nothing but make racial jokes thank you army for wasting my #birthday

**Brieson Jensen** Brieson 10 Nov 2012 I love when I'm on the army's for my birthday #shitnoonesays

 Brieson Jensen BriesonJ 26 Nov 2012  
#4WordsAfterSex told you I'm good

 Brieson Jensen BriesonJ 26 Nov 2012  
You boys are gonna get hurt physically and... Metaphysically #si

 Brieson Jensen BriesonJ 26 Nov 2012  
#4WordsAfterSex google didn't prepare me

 Brieson Jensen BriesonJ 26 Nov 2012  
You're like a young coon what you can't destroy you poop on

 Brieson Jensen BriesonJ 26 Nov 2012  
Dear science channel thank you for dragging an interesting 20 minute show into an upsetting hour with a commercial every 3 minutes #dicks

 Brieson Jensen BriesonJ 26 Nov 2012  
Fake Bo Pelini  And Rex Burkhead was named Big Ten First Team All-Awesome

 Brieson Jensen BriesonJ 22 Nov 2012  
I hope thanksgiving falls on a Thursday again next year

 Brieson Jensen BriesonJ 20 Nov 2012  
I know he's dead but every time I watch #hatfields&mccoys I feel bad for cotton

 Brieson Jensen BriesonJ 22 Nov 2012  
Thankful for #JamesBondmarathon and I guess I'm thankful I have lived through the last year #luckhasrunoutyet

 Brieson Jensen BriesonJ 22 Nov 2012  
Ramsey Jensen  S/O to all the military men and women serving who can't be home with their family today! #imthankful #happythanksgiving

 Brieson Jensen BriesonJ 16 Nov 2012  
Why can't all college tour guides be this #awesome #swappingdrinkingstories

 **Brieson Jensen** BriesonJ 15 Nov 2012  
So #burnnotice #theleague #themenwhobuiltamerica and #spartacus  
.... #howmuchbettercanitget

 **Brieson Jensen** BriesonJ 15 Nov 2012  
Smile if you love #mensprostates

 **Brieson Jensen** BriesonJ 15 Nov 2012  
Loving the fact that I pay for satellite and I only get the most random  
group of #farmtv in my room #greatinvestment

 **Brieson Jensen** followed Duck Commander and Faux Bo Pelini



**Duck Commander**   
@Duck\_Commander  
Official Duck Commander® Twitter  
account. Reality TV series Duck Dynasty  
on A&E. #FaithFamilyDucks

**Faux Bo Pelini**  
@FauxPelini  
Coach, yeller, philanthropist, anger  
manager (Parody account)  
FauxPelini@gmail.com

 **Brieson Jensen** BriesonJ 16 Nov 2012  
So that's what happens when maher doesn't shank a punt

 **Brieson Jensen** BriesonJ 16 Nov 2012  
Side effects of being a fan of the #huskers may include but are not  
limited to heart problems, lowered life expectancy, and alcohol abuse

 **Brieson Jensen** BriesonJ 16 Nov 2012  
Slowly losing faith in the huskers

 **Brieson Jensen** BriesonJ 16 Nov 2012  
Workout interrupted 3 times by people asking me to party  
#smalltownproblems

 **Brieson Jensen** BriesonJ 16 Nov 2012  
2 full hours of #burnnotice a full case of  
diesel and a bottle of windsor

## #greatthursdaynight



**Brieson Jensen** BriesonJ 17 Oct 2012

Saw the Roomate throw up pure flem #heneedsadoctor



**Brieson Jensen Retweeted**

**Tucker Max** TuckerMax 29 Oct 2012

Not a lot of sympathy for you, New York. You can expect more plagues and disasters as long as you refuse to start Tebow



**Brieson Jensen** BriesonJ 24 Oct 2012

Went for a run came back found out there was a shooting in the neighborhood #safehood



**Brieson Jensen** BriesonJ 19 Oct 2012

well my liver has wrote its congressman my head feels like an obese elephant has stomped on it my colon is disappointed in me #hungover



**Brieson Jensen** BriesonJ 15 Oct 2012

I miss Jamal Lord!



**Brieson Jensen Retweeted**

**Eric Shoemaker** EricShoemaker 10 Oct 2012

I'm too drunk to even know what's going on in this husker game. Proof? It took me 10 minutes to tweet this.



**Brieson Jensen** BriesonJ 4 Oct 2012

If your crotch could sing one song, what song would it be? #philosophy mine would be good morning beautiful



**Brieson Jensen Retweeted**

**The Struggle Bus** FausOrDie 22 Sep 2012

Clomipramine is a drug that causes certain people to orgasm whenever they yawn.



**Brieson Jensen** BriesonJ 1 Oct 2012

I wanna find that type of girl that doesn't have emotions #breakingamish #amishlife



**Brieson Jensen** BriesonJ 1 Oct 2012

Are king size blankets called presidential size



**Brieson Jensen** BriesonJ 30 Sep 2012

Got tailed in a race fight last night

Brieson Jensen followed Makenzie Kalkowski, Prudence Biermann, Jon Gunderson and 10 others

 Follow

**Makenzie Kalkowski**   
@KenzieKalkowski  
Small town girl. Big city dreams. UNL THETA

 Follow

**Prudence Biermann**   
@PrudenceBierma1

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 **Derick Hass**  
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## Trends

#RNCinCLE   
304K Tweets

#TheInternetin4Words  
12.7K Tweets

#SHAREGIRLSTALKBOY  
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317K Tweets

#FC400

**music**  
Started trending in the last hour

**#NashsNewVideo**  
40K Tweets

**Arian Foster**  
20.4K Tweets

**WE LOVE YOU SELENA**  
31.1K Tweets

**Mike Lee**  
Started trending in the last hour

**Never Trump**  
15.4K Tweets

**Tila Tequila**  
Trending for 2 hours now

**60-6,111. Persons riding animals or driving animal-drawn vehicles; farm implements; duties.**

- (1) Any person who rides an animal or drives an animal-drawn vehicle, a farm tractor, or an implement of husbandry upon a roadway shall be granted all of the rights and shall be subject to all of the duties made applicable to the driver of a vehicle by the Nebraska Rules of the Road except those provisions of the rules which by their very nature can have no application.
- (2) Whenever the slowness of such animal, animal-drawn vehicle, farm tractor, or implement of husbandry is obstructing the normal flow of traffic, the rider or driver shall drive to the nearest available shoulder of the highway and allow traffic to pass.

**Source:** Laws 1973, LB 45, § 5; R.S.1943, (1988), § 39-605; Laws 1993, LB 370, § 207.

